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This public document was published at a total cost of \$1,650. Two hundred fifty copies of this public document were published in this monthly printing at a cost of \$1,650. The total cost of all printings of this document including reprints is \$1,650. This document was published by Moran Printing, Inc. 5425 Florida Boulevard, Baton Rouge, LA 70806, as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:950-971 and R.S. 49:981-999. This material was printed in accordance with standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

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# Executive Orders

## EXECUTIVE ORDER BJ 15-31

### Carry-Forward Bond Allocation 2015

WHEREAS, pursuant to the Tax Reform Act of 1986 and Act 51 of the 1986 Regular Session of the Louisiana Legislature (hereafter "Act"), Executive Order No. BJ 2008-47 was issued to establish:

(1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year 2008 and subsequent calendar years;

(2) the procedure for obtaining an allocation of bonds under the ceiling; and

(3) a system of central record keeping for such allocations;

WHEREAS, Section 4(H) of No. BJ 2008-47 provides that if the ceiling for a calendar year exceeds the aggregate amount of bonds subject to the private activity bond volume limit issued during the year by all issuers, by executive order, the Governor may allocate the excess amount to issuers or an issuer for use as a carry-forward for one or more carry-forward projects permitted under the Act;

WHEREAS, Executive Order No. BJ 2015-25, issued on October 22, 2015, allocated sixty million dollars (\$60,000,000) from the 2015 ceiling to the Louisiana Community Development Authority to be used in connection with the financing by NFR BioEnergy CT, LLC, for the development and construction of a biorefinery plant which will convert sugarcane waste and other agricultural waste into biocarbon products, including but not limited to energy pellets for use as fuel, to be located at the Cora Texas Sugar Mill on Highway 1 South, in the Parish of Iberville, City of White Castle, State of Louisiana, and \$60,000,000 was returned unused to the ceiling;

WHEREAS, the project name has changed from NFR BioEnergy CT, LLC to American Biocarbon CT, LLC;

WHEREAS, The SBC has determined that sixty million dollars (\$60,000,000) of the excess 2015 Ceiling is

eligible as carry-forward and the Governor desires to allocate this amount as carry-forward for projects which are permitted and eligible under the Act.

NOW THEREFORE, I, BOBBY JINDAL, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: Pursuant to and in accordance with the provisions of Section 146(f) of the Internal Revenue Code of 1986, as amended, and in accordance with the request for carry-forward filed by the designated issuer, excess private activity bond volume limit under the 2015 Ceiling is hereby allocated to the following issuer(s), for the following carry-forward project(s), and in the following amount(s):

Issuer	Carry-Forward Project	Carry-Forward Amount
Louisiana Community Development Authority	American Biocarbon CT, LLC	\$60,000,000

SECTION 2: All references in this Order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 3: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 30th day of December, 2015.

Bobby Jindal  
Governor

ATTEST BY  
THE GOVERNOR  
Tom Schedler  
Secretary of State  
1601#027

# Policy and Procedure Memoranda

## POLICY AND PROCEDURE MEMORANDA

**Office of the Governor  
Division of Administration  
Office of State Procurement**

Delegated Procurement Authority; Standard and Special Delegations—PPM 56 (LAC 4:V.Chapter 53)

### Title 4

#### ADMINISTRATION

#### Part V. Policy and Procedure Memoranda

#### Chapter 53. Delegated Procurement Authority; Standard and Special Delegations—PPM Number 56

##### §5301. Authority

A. Pursuant to R.S. 39:1566, the Chief Procurement Officer for the State of Louisiana may delegate authority to governmental bodies within the limitations of law and the state's procurement regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1566.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:2 (January 2016).

##### §5303. Policy

A. To respond to the needs of state agencies, as well as for auditing purposes and for programming purposes in the State's LaGov SRM system, it shall be the policy of the Office of State Procurement to delegate to all agencies which are subject to the provisions of the Louisiana Procurement Code the authority to purchase, procure and to contract up to maximum limits by assigning to each Delegated Procurement Authority ("DPA").

1. DPA refers to the maximum amount an agency may purchase, procure or contract for without utilizing the services of, or having to seek preapproval from, the Office of State Procurement.

2. Any agency that acts under a DPA extended by the Office of State Procurement is responsible for ensuring that any purchase or contract fully complies with all applicable requirements under the Procurement Code, rules and applicable OSP policy, including, but not limited to:

(a). any and all requirements to seek approval to use a Request for Proposals (RFP) solicitation before it is issued or to seek approval from a Procurement Support Team where applicable;

(b). any and all requirements to solicit quotes, to competitively bid or to seek competitive proposals, or to post solicitations to the State's electronic vendor notification system;

(c). any and all requirements to report contracts, including sole source and emergency contracts, to the Office of State Procurement, the Joint Legislative Committee on the Budget and the Louisiana Legislative Auditor as may be applicable; and

(d). any and all requirements to seek ratification of purchases or contracts that do not comply with law.

B. The Office of State Procurement shall periodically review an agency's DPA, and may increase, maintain or decrease the DPA after considering the following factors:

1. whether increasing, maintaining or decreasing an agency's DPA is in accordance with the state's strategic plans;

2. whether the agency has demonstrated (or can no longer demonstrate) an ability to responsibly handle a higher DPA in accordance with Office of State Procurement policy, guidance and directions; and

3. whether the agency has adequate resources and personnel (or no longer has adequate resources and personnel) to comply with all requirements of the Procurement Code and other applicable provisions of law.

C. Any contract for professional, personal, consulting or social services, or for complex, IT or major repairs, entered into by an agency pursuant to its assigned DPA must be:

1. reduced to writing;

2. signed by the contractor and the agency head; and

3. entered into the State's LaGov SRM system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1566.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:2 (January 2016).

##### §5305. Standard Delegation of Procurement Authority

###### A. Standard DPA—Purchases

1. Unless otherwise notified, any agency may purchase a single supply or service up to a maximum of \$5000 without obtaining preapproval from, or having to utilize the services of, the Office of State Procurement. An agency may exceed the Standard DPA assigned to it for purchases by up to 10 percent without preapproval where the original cost estimate did not exceed \$5000. An agency shall report each instance where it has exceeded its Standard DPA for purchases prior to paying the invoice.

2. To the extent allowed under the Louisiana Procurement Code, an institution of higher education, including community and technical colleges, are not required to obtain preapproval from, or utilize the services of, the Office of State Procurement for the purchase of supplies or services unless such supplies or services are obtained through the Request for Proposal Process.

###### B. Standard DPA—Contracts

1. Unless otherwise notified, any agency may contract for professional, personal, consulting and social services up to \$5000 without obtaining preapproval or authorization from the Office of State Procurement. An agency shall report each instance where it has exceeded its Standard DPA for contracts prior to paying the invoice.

2. Unless otherwise notified of a revocation of autonomy, an institution of higher education that has been granted autonomy under the "LaGrad" act may contract for professional, personal, consulting and social services up to the level of the LaGrad autonomy granted without seeking preapproval from the Office of State Procurement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1566.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:2 (January 2016).

**§5307. Special Delegation of Procurement Authority; Master List of Special DPAs**

A. Special DPA. A DPA set by the Office of State Procurement above the Standard DPA for purchases and/or contracts, or a DPA set below the Standard DPA for purchases and/or contracts, shall be referred to as a “Special DPA.”

1. An agency or department head may present a request to the State Chief Procurement Officer for a special DPA under the categories of “purchases” and/or “contracts” or for specific items or categories of purchases or contracts.

2. Additionally, the State Chief Procurement Officer may take the initiative to assign a special DPA by increasing or decreasing an agency’s or department’s existing purchases DPA or contracts DPA to a level above (or below) the standard DPA.

3. Any special DPA may place additional or specific allowances or conditions upon purchasing or contracting by an agency.

4. Wherever a special DPA has been set for purchases, an agency may exceed its Special DPA by up to 10 percent without preapproval where the original cost estimate obtained did not exceed the special DPA. An agency shall report each instance where it has exceeded its Special DPA for purchases prior to paying the invoice.

B. Master List. An agency’s Special DPA’s shall be placed on a master list.

1. Any Special DPA, along with any other specific allowances, conditions or limitations, will be documented on a Master List maintained by the Office of State Procurement.

2. The master list should be made available (when requested) to an agency, department, the Legislative Auditor or to any other person deemed appropriate by the State Chief Procurement Officer, or as may otherwise be required by the Public Records Act.

3. Agencies that are not placed on the master list will be presumed to procure according to the standard DPA for audit purposes and for programming purposes in the State’s LaGov SRM system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1566.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:3 (January 2016).

**§5309. Reduction or Suspension of DPA; Additional Restrictions or Allowances; Effective Date**

A. Nothing in this policy shall prevent the Office of State Procurement from assigning a special DPA to an agency, or increasing an agency’s existing special DPA, in advance of or during emergencies; lowering, reducing or suspending an agency’s DPA at any time in whole or in part; or removing an agency’s or department’s DPA altogether, when the State Chief Procurement Officer determines that it is in the best interests of the State to do so.

B. Nothing in this policy shall prevent the Office of State Procurement from placing specific restrictions or providing for special allowances on an individual or on specific categories of purchases, procurements or contracts.

C. Nothing in this policy shall prevent the Office of State Procurement from increasing or decreasing the Standard DPA by amending this policy.

D. This policy shall take effect on January 1, 2016.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1566.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:3 (January 2016).

Jan Cassidy  
Assistant Commissioner

1601#028

**POLICY AND PROCEDURE MEMORANDA**

**Office of the Governor  
Division of Administration  
Office of State Procurement**

Procedures to Approve Brand Name, La MAS and  
Multi-State Cooperative Contracts—PPM 57  
(LAC 4:V.Chapter 55)

**Title 4**

**ADMINISTRATION**

**Part V. Policy and Procedure Memoranda**

**Chapter 55. Procedures to Approve Brand Name,  
LaMAS and  
Multi-State Cooperative Contracts—PPM  
Number 57**

**§5501. Purpose**

A. The purpose of this Policy and Procedure Memorandum is to ensure that consistent procedures under LAC 34:V.1709—Use of Brand Name, LaMAS (Louisiana Multiple Award Schedule), and Multi-State Cooperative Contracts—are followed in the establishment and use of contracts accepted as Louisiana Price Schedules (LaPS).

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1561.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:3 (January 2016).

**§5503. Brand Name Contracts**

A. Definition. *Brand Name* refers to a particular commodity type or types by specific name. The Office of State Procurement will consider establishing a brand name contract where there is a valid business case and a sufficient state interest to create the contract and there is no existing Louisiana statewide competitive contract for the brand or for substantially the same commodity regardless of brand name. A brand name contract may be treated as a statewide contract and/or as a cooperative contract.

B. Procedure to Establish. A brand name contract may be solicited within the discretion of the Office of State Procurement if:

1. the commodity manufacturer or national supplier (or local distributor or representative) provides a minimum of three letters from three separate state or local government agencies designating a legitimate need for the commodity and their intent to purchase or rent the commodity if placed on contract;

2. the letters must specify the specific items, models or types to be purchased (where applicable) and the anticipated annual usage per item, model or type. The Office of State Procurement may require any additional information necessary in order to carry out a cost/benefit analysis of establishing the subject brand on a brand name contract;

3. if the brand name commodity or commodities are accepted, then the Office of State Procurement will competitively solicit any and all Louisiana vendors and distributors capable of providing the brand name commodity and will award a brand name contract by lowest price available. The solicitation will comply with law and rules related to Invitations to Bid;

4. nothing shall prevent the Office of State Procurement from negotiating additional reductions or discounts to a bid price, a price list or a manufacturer's price list submitted;

5. any vendor or distributor properly authorized by the manufacturer or distributor of the commodity, and which is capable of selling the brand name commodity at the established contract price, may be allowed by the Office of State Procurement to participate as a state vendor of the brand name commodity under the same terms and conditions established in the name brand contract;

6. where a brand name commodity is offered by the state as a cooperative contract, nothing shall prohibit the State from negotiating or collecting administrative fees or rebates described in PPM 54 from each vendor or supplier;

7. nothing herein shall require the Office of State Procurement to renew or to re-solicit a brand name contract upon its expiration or termination, or, if renewed, to requalify a particular vendor as a state vendor of the brand name commodity. The Office of State Procurement may accept or limit additions to brand name contracts, vendor changes, price reductions or item deletions at any time during the contract period. Price increases will be considered only when provided for in the state's contract terms and conditions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1561.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:3 (January 2016).

#### **§5505. LaMAS Contracts**

A. Definition. A *LaMAS* contract is a Louisiana Multiple Award Schedule contract established pursuant to LAC 34:V.2706.

B. Procedures to Establish. LaMAS contracts are based on prices no higher than GSA prices and will only be considered when State Procurement determines that the commodity is open for consideration, that is, when there are no existing statewide competitive contracts for the commodity and there is a valid business case. State Procurement will post commodities on their website that are open for LaMAS contract consideration. A LaMAS contract may be established at the discretion of the Office of State Procurement if:

1. a written request is received from the GSA contractor or its authorized representative which:

a. requests the establishment of a contract and includes all pertinent information including detailed specifications of commodities;

b. includes consent to extend prices no higher than GSA to the state and to the state's local government units; and

c. includes a minimum of three letters from three separate agency heads which may include state agencies, political subdivisions or quasi-public agencies and which indicate a need for, and the intent to, purchase the subject commodities or services if a contract is established, including the anticipated annual usage of the commodity.

2. Nothing herein shall prevent the Office of State Procurement from verifying the veracity of any letter, statement or information presented.

3. Where a LaMAS commodity is offered by the state as a cooperative contract, nothing shall prohibit the State from negotiating or collecting administrative fees or rebates described in PPM 54 from the vendor or supplier.

4. Nothing herein shall require the State to reestablish a LaMAS contract upon its expiration or termination. The Office of State Procurement may accept or limit additions to LaMAS contracts, vendor changes, price reductions or item deletions at any time during the contract period. Price increases will be considered only when provided for in the state's contract terms and conditions and must be authorized by GSA or tied to a recognized index.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1561.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:4 (January 2016).

#### **§5507. Multi-State Cooperative Contracts**

A. Definition. A *Multi-State Cooperative Contract* is a contract which has been competitively solicited by the Office of State Procurement, or through a public procurement unit or external procurement activity as defined in R.S. 39:1702, utilizing a process which substantially complies with Louisiana's Request for Proposals process, and which may be offered for use to state, local governmental and federal entities inside of or outside of Louisiana.

B. Procedures to Establish. A Multi-State Cooperative Contract is established by:

1. Administration. A multi-state cooperative contract is administered by the Office of State Procurement where it conducts a statewide competitive solicitation which results in a statewide contract.

2. Sponsorship. A multi-state cooperative contract is sponsored by the Office of State Procurement when a solicitation and subsequent contract is developed in whole or in part by a separate public procurement unit or units or external procurement activities, and

a. the Office of State Procurement agrees that the competitive solicitation will be posted and advertised by State Procurement in compliance with the Louisiana's procurement laws, and

b. the resulting contract will be endorsed as a statewide contract upon it being determined by the Office of State Procurement that the solicitation and the resulting contract substantially complied with the Louisiana Procurement Code including rules, regulations and policy adopted by the Office of State Procurement.

3. Participation. The Office of State Procurement participates in a multi-state cooperative contract where a

competitive solicitation and subsequent contract is wholly developed by a local public procurement unit or units or through an external procurement activity, and the Office of State Procurement subsequently signs a participation agreement with the sponsor, administrator or vendor awarded a contract. The Office of State Procurement will consider participating in a multi-state cooperative contract where there is a valid business case and a sufficient state interest to participate in the contract and there is no existing Louisiana statewide competitive contract for the same commodity or service.

a. The Office of State Procurement may allow any state agency or local government unit to buy from a multi-state cooperative contract it has agreed to participate in where the purchase by a state agency or local government unit is considered a small purchase.

b. The Office of State Procurement may adopt as a statewide cooperative contract any multi-state cooperative contract it agrees to participate in where the Office of State Procurement posts and advertises its intent to utilize the contract as a statewide cooperative available to all or to select state or local government agencies in the same manner as a Request for Proposals solicitation is required to be posted and advertised, and no vendor responds to the posting and advertising with a proposal which describes how the vendor, or similarly situated vendors, can surpass the price, terms or conditions of the contract.

c. If a credible response to the posting and advertising is received, then the contract should not be adopted as a statewide cooperative contract and the Office of State Procurement should proceed to post and advertise its own solicitation for the desired commodities or services unless other compelling circumstances exist. Compelling circumstances include, but are not limited to:

i. the need to establish a pilot program with one or more state agencies to investigate, study or review the efficacy of new or innovative procurement methods;

ii. the State faces a situation where a needed or required commodity or service will be unavailable until a competitive solicitation and contract can be developed; or

iii. the opportunity of the State to recognize immediate and provable savings on needed or required commodities or services would be lost.

d. Participation in a multi-state cooperative contract based on compelling circumstances should be of limited duration until such time as the Office of State Procurement can adequately sponsor or administer a multi-state cooperative or statewide contract.

C. In addition to any administrative fee negotiated on behalf of the Office of State Procurement pursuant to PPM 54, the Office of State Procurement may allow a separate public procurement unit or units which developed a solicitation and subsequent multi-state cooperative contract which the State participates in to collect an administrative fee from vendors based on the gross sales under the contract designed to reimburse actual costs incurred per the terms and conditions of the solicitation and contract.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1561.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:4 (January 2016).

Jan Cassidy  
Assistant Commissioner

1601#029

# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences

#### Horticulture and Quarantine Programs Xyloporosis (LAC 7:XV.127)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and the authority of the state entomologist pursuant to R.S. 3:1652, and in order to avoid a lapse in coverage until a permanent rule is in effect, notice is hereby given that Department of Agriculture and Forestry is adopting this emergency regulation differentiating between two strains of xyloporosis for citrus nursery stock.

The reason for the Emergency Rule is that new information has been found about the disease xyloporosis. Xyloporosis is synonymous with the names *cachexia* and hop stunt viroid. These three names were all named for the same disease, but at different times in the last 80 years. As technology became more advanced, PCR testing showed that all three diseases were actually the same disease. The name *cachexia* is the name that is most commonly used today. In addition, there are two strains of *cachexia*. One strain infects citrus but is symptomless and it is called non-*cachexia* variant. The other strain also infects citrus which causes the disease *cachexia* (or xyloporosis). That strain is called *cachexia* virulent. Our regulations restrict movement of citrus nursery stock unless it is found free of xyloporosis (along with CTV, psorosis, and exocortis) but, it does not specify between non-*cachexia* and *cachexia*. The new regulation differentiates between the two strains of xyloporosis.

Citrus ships into Louisiana beginning in January. If the Emergency Rule differentiating between the two strains of *cachexia* is not in place, citrus which is free from the strain which causes xyloporosis will be prohibited from being shipped into Louisiana, resulting in a loss of business for citrus nursery growers.

This Rule shall have the force and effect of law effective December 31, 2015 and will remain in effect 120 days, unless renewed by the commissioner of Agriculture and Forestry or until permanent rules are promulgated in accordance with law.

### Title 7

#### AGRICULTURE AND ANIMALS

##### Part XV. Plant Protection and Quarantine

##### Chapter 1. Crop Pests and Diseases

##### Subchapter B. Nursery Stock Quarantines

##### §127. Citrus Nursery Stock, Scions and Budwood

A. - B. ...

C. Citrus nursery stock, scions and/or budwood may move into Louisiana from areas in which tristeza is known to occur, provided it has been grown under a citrus budwood registration program against tristeza, xyloporosis, psorosis

and exocortis, and provided that under this registration program the following are required.

1. - 2. ...

3. The nursery stock, scions and/or budwood is from parent stock that has been indexed and found free of psorosis and the cachexia virulent strain of xyloporosis.

4. - 6. ...

D. - F.i.iv. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:319 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 40:1308 (July 2014), LR 42:

Mike Strain DVM  
Commissioner

1601#008

## DECLARATION OF EMERGENCY

### Department of Children and Family Services Economic Stability Section

#### Supplemental Nutritional Assistance Program (SNAP) (LAC 67:III.1942)

The Department of Children and Family Services (DCFS), Economic Stability, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to repeal LAC 67:III, Subpart 3, Supplemental Nutritional Assistance Program (SNAP), Chapter 19, Certification of Eligible Households, Subchapter G, Work Requirements, Section 1942, Workforce Training and Education Pilot Initiative. This declaration is necessary to extend the original Emergency Rule since it is effective for a maximum of 120 days and will expire before the final Rule takes effect. This Emergency Rule extension is effective on January 28, 2016 and will remain in effect until the final Rule becomes effective.

Pursuant to the authority granted to the department by the Food and Nutrition Services (FNS) and Act 622 of the 2014 Regular Session of the Louisiana Legislature, the department is repealing Section 1942 to terminate the Workforce Training and Education Pilot Initiative. The pilot initiative was established in Tangipahoa Parish for the purpose of enhancing workforce readiness and improving employment opportunities for SNAP recipients in that parish who are unemployed or underemployed able-bodied adults without dependents (ABAWDs). Unless exempt, these ABAWDs were required to either work an average of 20 hours per week or participate/comply with certain programs that enhance workforce readiness and improve employment for an average of 20 hours per week. Furthermore, the current ABAWD time limit waiver expires on September 30, 2015; therefore, ABAWDs statewide will be subject to the SNAP time limit.

The department considers emergency action necessary to terminate the pilot initiative. The authorization to promulgate Emergency Rules to facilitate the termination is contained in Act 622 of the 2014 Regular Session of the Louisiana Legislature.

**Title 67**  
**SOCIAL SERVICES**  
**Part III. Economic Stability**  
**Subpart 3. Supplemental Nutritional Assistance**  
**Program (SNAP)**  
**Chapter 19. Certification of Eligible Households**  
**Subchapter G. Work Requirements**  
**§1942. Workforce Training and Education Pilot**  
**Initiative**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, P.L. 110-246, and Act 622 of the 2014 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 41:533 (March 2015), repealed LR 42:

Suzy Sonnier  
Secretary

1601#061

**DECLARATION OF EMERGENCY**

**Board of Elementary and Secondary Education**

Bulletin 118—Statewide Assessment Standards and Practices—Achievement Levels and Performance Standards (LAC 28:CXI.Chapters 11, 13, 17, 18, 19, 23, and 24)

The Board of Elementary and Secondary Education (BESE) has exercised the emergency provision in accordance with R.S. 49:953(B), the Administrative Procedure Act, and R.S. 17.6 to amend LAC 28:CXI, *Bulletin 118—Statewide Assessment Standards and Practices*: §1113, Achievement Levels; §1115, Performance Standards; §1701, Introduction; §1705, Introduction; and §1707, Performance Standards; and to repeal *Bulletin 118—Statewide Assessment Standards and Practices*: §1125, Introduction; §1127, Grade 4 Achievement Level Descriptors; §1129, Grade 8 Achievement Level Descriptors; §1141, Content Standards; §1143, English Language Arts Tests Structure; §1145, Mathematics Tests Structure; §1147, Science Tests Structure; §1149, Social Studies Tests Structure; §1335, Content Standards; §1337, English Language Arts Tests Structure; §1339, Mathematics Tests Structure; §1341, Science Test Structure; §1343, Social Studies Tests Structure; §1349, Rescores; §1351, GEE Administration Rules; §1353, Summer Retest Administration; §1355, GEE Transfer Students; §1357, Student Membership Determination; §1703, Format; §1709, Introduction; §1711, Grade 3 Achievement Level Descriptors; §1713, Grade 5 Achievement Level Descriptors; §1715, Grade 6 Achievement Level Descriptors; §1717, Grade 7 Achievement Level Descriptors; §1719, Grade 9 Achievement Level Descriptors; §1721, Content Standards; §1723, English Language Arts Tests Structure; §1725, Math Tests Structure; §1727, Science Tests Structure; §1729, Social Studies Tests

Structure; §1805, Algebra I Test Structure; §1806, Biology Test Structure; §1807, English II Test Structure; §1808, Geometry Test Structure; §1809, U.S. History Test Structure; §1810, English III Test Structure; §1815, Introduction; §1817, EOCT Achievement Level Descriptors; §1907, Test Structure; §1909, Scoring; §1915, Introduction; §1917, Grade Span 3-4 Alternate Achievement Level Descriptors; §1919, Grade Span 5-6 Alternate Achievement Level Descriptors; §1921, Grade Span 7-8 Alternate Achievement Level Descriptors; §1923, Grade Span 9-10 Alternate Achievement Level Descriptors; §1925, LAA 1 Science Alternate Achievement Level Descriptors; §2305, Format; §2313, Introduction; §2315, Proficiency Level Descriptors; §2317, Listening Domain Structure; §2319, Speaking Domain Structure; §2321, Reading Domain Structure; §2323, Writing Domain Structure; §2401, Description; §2403, Introduction; §2405, Format; §2407, Membership; §2409, Achievement Levels; §2411, Performance Standards; §2412, Introduction; §2413, ASA Mathematics Achievement Level Descriptors; and §2415, ASA LAA 2 Mathematics Achievement Level Descriptors. This Declaration of Emergency, effective October 13, 2015, is being extended beyond the initial period of 120 days and will remain in effect until the final Rule becomes effective.

In Spring 2015, Louisiana students in grades three through eight participated in English language arts and mathematics assessments aligned to Louisiana academic content standards. As required by state law (R.S. 17:24.4), these assessments allow for the comparison of the results of Louisiana students with that of students in other states. The proposed policy revisions update *Bulletin 118—Statewide Assessment Standards and Practices*, to include such adequate test scores (achievement standards) for the assessments administered during the 2014-2015 school year in grades three through eight in English language arts and mathematics. Additional revisions remove outdated provisions throughout the bulletin. In order to expedite the release of student and school assessment results to parents and educators, BESE has exercised the emergency provision in the adoption of these policy revisions.

**Title 28**

**EDUCATION**

**Part CXI. Bulletin 118—Statewide Assessment Standards and Practices**

**Chapter 11. Louisiana Educational Assessment Program**

**Subchapter B. Achievement Levels and Performance Standards**

**§1113. Achievement Levels**

A.1. The Louisiana achievement levels are:

- a. advanced;
- b. mastery;
- c. basic;
- d. approaching basic; and
- e. unsatisfactory.

A.2. - B.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.24.4 (F) (1) and (C).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1536 (July 2005), amended LR 42:

**§1115. Performance Standards**

A. Performance standards for LEAP English language arts, mathematics, science, and social studies tests are finalized in scaled-score form. The scaled scores range between 100 and 500 for science and social studies, and between 650 and 850 for English language arts and mathematics.

B. LEAP Achievement Levels and Scaled Score Ranges—Grade 4

Achievement Level	English Language Arts Scaled Score Range	Mathematics Scaled Score Range	Science Scaled Score Range	Social Studies Scaled Score Range
Advanced	790-850	796-850	405-500	399-500
Mastery	750-789	750-795	360-404	353-398
Basic	725-749	725-749	306-359	301-352
Approaching Basic	700-724	700-724	263-305	272-300
Unsatisfactory	650-699	650-699	100-262	100-271

C. LEAP Achievement Levels and Scaled Score Ranges—Grade 8

Achievement Level	English Language Arts Scaled Score Range	Mathematics Scaled Score Range	Science Scaled Score Range	Social Studies Scaled Score Range
Advanced	794-850	801-850	400-500	404-500
Mastery	750-793	750-800	345-399	350-403
Basic	725-749	725-749	305-344	297-349
Approaching Basic	700-724	700-724	267-304	263-296
Unsatisfactory	650-699	650-699	100-266	100-262

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.4 (A).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1536 (July 2005), amended LR 32:235 (February 2006), LR 42:

**§1125. Introduction**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.4 (B).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1536 (July 2005), repealed LR 42:

**§1127. Grade 4 Achievement Level Descriptors**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.4(A).

HISTORICAL NOTE: Promulgated by the Department of Education, State Board of Elementary and Secondary Education, LR 31:1536 (July 2005), amended LR 36:968 (May 2010), LR 39:1423 (June 2013), repealed LR 42:

**§1129. Grade 8 Achievement Level Descriptors**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.4(A).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1540 (July 2005), amended LR 36:974 (May 2010), LR 39:1424 (June 2013), repealed LR 42:

**§1141. Content Standards**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4(A)(1)(2).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1545 (July 2005), amended LR 32:236 (February 2006), repealed LR 42:

**§1143. English Language Arts Tests Structure**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4(A)(1)(2).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1545 (July 2005), repealed LR 42:

**§1145. Mathematics Tests Structure**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4(A)(1)(2).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1545 (July 2005), repealed LR 42:

**§1147. Science Tests Structure**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4(A)(1)(2).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1546 (July 2005), repealed LR 42:

**§1149. Social Studies Tests Structure**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4(A)(1)(2).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1546 (July 2005), repealed LR 42:

**Chapter 13. Graduation Exit Examination**

**§1335. Content Standards**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1552 (July 2005), amended LR 32:237 (February 2006), repealed LR 42:

**§1337. English Language Arts Tests Structure**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1552 (July 2005), repealed LR 42:

**§1339. Mathematics Tests Structure**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1552 (July 2005), repealed LR 42:

**§1341. Science Test Structure**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1553 (July 2005), repealed LR 42:

**§1343. Social Studies Tests Structure**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1553 (July 2005), repealed LR 42:

**§1349. Rescores**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1554 (July 2005), amended LR 32:237 (February 2006), LR 36:977 (May 2010), repealed LR 42:

**§1351. GEE Administration Rules**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1554 (July 2005), amended LR 32:237 (February 2006), LR 32:391 (March 2006), LR 34:67 (January 2008), repealed LR 42:

**§1353. Summer Retest Administration**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1555 (July 2005), repealed LR 42:

**§1355. GEE Transfer Students**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1555 (July 2005), amended LR 32:238 (February 2006), LR 34:68 (January 2008), repealed LR 42:

**§1357. Student Membership Determination**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1556 (July 2005), repealed LR 42:

**Chapter 17. Integrated LEAP**

**Subchapter A. General Provisions**

**§1701. Introduction**

A. The iLEAP is a criterion-referenced testing program that is directly aligned with the state content standards. The LEAP measures how well students in grades three, five, six and seven have mastered the state content standards. Test results are reported in terms of achievement levels.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17:24.4(F)(2).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1556 (July 2005), amended LR 32:238 (February 2006), LR 33:265 (February 2007), LR 39:75 (January 2013), LR 42:

**§1703. Format**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17:24.4(F)(2).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 33:265 (February 2007), repealed LR 42:

**Subchapter B. Achievement Levels and Performance Standards**

**§1705. Introduction**

A. On each test, English language arts, math, science, and social studies, student performance will be reported in terms of achievement level. The Louisiana achievement levels are:

1. advanced;
2. mastery;
3. basic;
4. approaching basic; and
5. unsatisfactory.

B. Achievement Levels Definitions

1. *Advanced*—a student at this level has demonstrated superior performance beyond the mastery level.

2. *Mastery* (formerly *Proficient*)—a student at this level has demonstrated competency over challenging subject matter and is well prepared for the next level of schooling.

3. *Basic*—a student at this level has demonstrated only the fundamental knowledge and skills needed for the next level of schooling.

4. *Approaching Basic*—a student at this level has only partially demonstrated the fundamental knowledge and skills needed for the next level of schooling.

5. *Unsatisfactory*—a student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17:24.4(F)(2).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 33:266 (February 2007), amended LR 42:

**§1707. Performance Standards**

A. iLEAP Achievement Levels and Scaled Score Ranges—Grades 3, 5, 6, and 7

Achievement Level	English Language Arts Scaled Score Ranges			
	Grade 3	Grade 5	Grade 6	Grade 7
Advanced	810-850	799-850	790-850	785-850
Mastery	750-809	750-798	750-789	750-784
Basic	725-749	725-749	725-749	725-749
Approaching Basic	700-724	700-724	700-724	700-724
Unsatisfactory	650-699	650-699	650-699	650-699

Achievement Level	Mathematics Scaled Score Ranges			
	Grade 3	Grade 5	Grade 6	Grade 7
Advanced	790-850	790-850	788-850	786-850
Mastery	750-789	750-789	750-787	750-785
Basic	725-749	725-749	725-749	725-749
Approaching Basic	700-724	700-724	700-724	700-724
Unsatisfactory	650-699	650-699	650-699	650-699

Achievement Level	Science Scaled Score Ranges				
	Grade 3	Grade 5	Grade 6	Grade 7	Grade 9
Advanced	382-500	378-500	380-500	388-500	Not Assessed
Mastery	342-381	341-377	343-379	348-387	
Basic	292-341	292-340	295-342	302-347	
Approaching Basic	249-291	248-291	251-294	259-301	
Unsatisfactory	100-248	100-247	100-250	100-258	

Achievement Level	Social Studies Scaled Score Ranges				
	Grade 3	Grade 5	Grade 6	Grade 7	Grade 9
Advanced	396-500	365-500	364-500	372-500	Not Assessed
Mastery	341-395	339-364	338-363	339-371	
Basic	287-340	289-338	292-337	293-338	
Approaching Basic	255-286	257-288	261-291	262-292	
Unsatisfactory	100-254	100-256	100-260	100-261	

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.4(A).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 33:266 (February 2007), amended LR 42:

**§1709. Introduction**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17:24.4(F)(2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:990 (June 2007), repealed LR 42:

**§1711. Grade 3 Achievement Level Descriptors**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17:24.4(F)(2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:991 (June 2007), amended LR 39:1425 (June 2013), repealed LR 42:

**§1713. Grade 5 Achievement Level Descriptors**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17:24.4(F)(2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:994 (June 2007), amended LR 39:1427 (June 2013), repealed LR 42:

**§1715. Grade 6 Achievement Level Descriptors**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17:24.4(F)(2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:999 (June 2007), amended LR 39:1428 (June 2013), repealed LR 42:

**§1717. Grade 7 Achievement Level Descriptors**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17:24.4(F)(2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1002 (June 2007), amended LR 39:1429 (June 2013), repealed LR 42:

**§1719. Grade 9 Achievement Level Descriptors**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17:24.4(F)(2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1006 (June 2007), repealed LR 42:

**§1721. Content Standards**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17:24.4(F)(2).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 33:267 (February 2007), repromulgated LR 33:1007 (June 2007), repealed LR 42:

**§1723. English Language Arts Tests Structure**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17:24.4(F)(2).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 33:267 (February 2007), repromulgated LR 33:1007 (June 2007), repealed LR 42:

**§1725. Math Tests Structure**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4(A)(1)(2).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 33:268 (February 2007), repromulgated LR 33:1008 (June 2007), repealed LR 42:

**§1727. Science Tests Structure**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4(A)(1)(2).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:269 (February 2007), repromulgated LR 33:1009 (June 2007), repealed LR 42:

**§1729. Social Studies Tests Structure**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4(A)(1)(2).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 33:269 (February 2007), repromulgated LR 33:1009 (June 2007), repealed LR 42:

## **Chapter 18. End-of-Course Tests**

### **§1805. Algebra I Test Structure [Formerly 1807]**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 35:215 (February 2009), repromulgated LR 39:76 (January 2013), repealed LR 42:

### **§1806. Biology Test Structure [Formerly §1808]**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 38:35 (January 2012), repromulgated LR 39:76 (January 2013), repealed LR 42:

### **§1807. English II Test Structure [Formerly §1809]**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 35:215 (February 2009), repromulgated LR 39:76 (January 2013), repealed LR 42:

### **§1808. Geometry Test Structure [Formerly §1810]**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 37:859 (March 2011), repromulgated LR 39:76 (January 2013), repealed LR 42:

### **§1809. U.S. History Test Structure**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 39:76 (January 2013), repealed LR 42:

### **§1810. English III Test Structure**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 39:76 (January 2013), repealed LR 42:

### **§1815. Introduction**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 35:215 (February 2009), repealed LR 42:

### **§1817. EOCT Achievement Level Descriptors**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 35:216 (February 2009), amended LR 36:478 (March 2010), LR 37:820 (March 2011), repromulgated LR 37:1123 (April 2011), amended LR 38:36 (January 2012), LR 39:76 (January 2013), LR 39:1020 (April 2013), repealed LR 42:

## **Chapter 19. LEAP Alternate Assessment, Level 1 §1907. Test Structure**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (F) (3) and R.S. 17:183.1–17:183.3.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:425 (March 2007), amended LR 35:209 (February 2009), repealed LR 42:

### **§1909. Scoring**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (F) (3) and R.S. 17:183.1–17:183.3.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:426 (March 2007), amended LR 35:209 (February 2009), repealed LR 42:

### **§1915. Introduction**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.4(B).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:426 (March 2007), amended LR 35:210 (February 2009), repealed LR 42:

### **§1917. Grade Span 3-4 Alternate Achievement Level Descriptors**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.4(B).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:426 (March 2007), amended LR 35:2210 (February 2009), repealed LR 42:

### **§1919. Grade Span 5-6 Alternate Achievement Level Descriptors**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.4(B).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 35:210 (February 2009), repealed LR 42:

### **§1921. Grade Span 7-8 Alternate Achievement Level Descriptors**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.4(B).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 35:211 (February 2009), repealed LR 42:

### **§1923. Grade Span 9-10 Alternate Achievement Level Descriptors**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.4(B).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 35:212 (February 2009), repealed LR 42:

**§1925. LAA 1 Science Alternate Achievement Level Descriptors**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.4(B).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 35:212 (February 2009), repealed LR 42:

**Chapter 23. English Language Development Assessment (ELDA)**

**§2305. Format**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 20 USCS, Section 6311.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 33:259 (February 2007), amended LR 34:2556 (December 2008), repromulgated LR 35:61 (January 2009), repealed LR 42:

**§2313. Introduction**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 20 USCS, Section 6311.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 33:261 (February 2007), repealed LR 42:

**§2315. Proficiency Level Descriptors**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 20 USCS, Section 6311.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 33:261 (February 2007), repealed LR 42:

**§2317. Listening Domain Structure**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 20 USCS, Section 6311.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 33:261 (February 2007), repealed LR 42:

**§2319. Speaking Domain Structure**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 20 USCS, Section 6311.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 33:261 (February 2007), repealed LR 42:

**§2321. Reading Domain Structure**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 20 USCS, Section 6311.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 33:262 (February 2007), repealed LR 42:

**§2323. Writing Domain Structure**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 20 USCS, Section 6311.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 33:262 (February 2007), repealed LR 42:

**Chapter 24. Academic Skills Assessment (ASA)**

**§2401. Description**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 38:36 (January 2012), repealed LR 42:

**§2403. Introduction**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 38:36 (January 2012), repealed LR 42:

**§2405. Format**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 38:37 (January 2012), repealed, LR 42:

**§2407. Membership**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 38:37 (January 2012), repealed LR 42:

**§2409. Achievement Levels**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4(F)(1) and (C).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 39:78 (January 2013), repealed LR 42:

**§2411. Performance Standards**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 39:78 (January 2013), repealed LR 42:

**§2412. Introduction**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.4(B).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 39:78 (January 2013), repealed LR 42:

**§2413. ASA Mathematics Achievement Level Descriptors**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 39:78 (January 2013), repealed LR 42:

**§2415. ASA LAA 2 Mathematics Achievement Level Descriptors**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 39:79 (January 2013), repealed LR 42:

Charles E. "Chas" Roemer, IV  
President

1601#017

**DECLARATION OF EMERGENCY**  
**Coastal Protection and Restoration Authority**

Cessation of Activities on Levees and Flood  
Control Structures (LAC 4:VII.2701)

Pursuant to R.S. 49:214.3.1(A)(2), 49:214.3.1(B)(1)(k), and 49:214.5.2, the CPRA Board has adopted an Emergency Rule to control all activity on coastal area levees due to the dangerous flood conditions of the Mississippi River and tributaries. The CPRA Board requests the public's cooperation and assistance regarding respect of the levee system and this Emergency Rule.

**Title 4**

**ADMINISTRATION**

**Part VII. Governor's Office**

**Chapter 27. Coastal Protection and Restoration  
Authority**

**§2701. Restricted Use During Emergency.**

A. Purpose. Activities on and in the vicinity of riverine levees, flood control levees, and other flood control structures can impact the soundness and effectiveness of those levees and flood control structures. Threats are enhanced as river stages rise. Levee failure during high river stages can be catastrophic. The Mississippi River and its Tributaries (MR and T) have risen to dangerously high levels in recent days prompting a Declaration of Emergency by the Governor of Louisiana (Proclamation No. 205 BJ 2015), and currently pose real and present danger to life and property if levees and/or flood control structures are breached.

B. Effective Jurisdiction. These Emergency Prohibitions of Activities on Levees and Flood Control Structures will be effective and enforced for all Mississippi River and Tributaries (MR and T) projects, or a federal, state or local flood control structure that is or is designed to prevent or reduce flooding, including but not limited to all levees and flood control structures south of the Old River Control Structure, the Atchafalaya Basin and River, and any levee or flood control structure in the Coastal Area as defined in La. R.S. 49:214.2(4).

C. All pedestrian and vehicular traffic, including but not limited to, the driving and/or parking of vehicles, all-terrain vehicles, and mowing equipment, is prohibited within 300 feet of the levee centerline of the MR&T projects, or a federal, state or local flood control structure that is or is designed to prevent or reduce flooding except as provided in paragraph F. In addition, work of any nature within 300 feet of the levee centerline of the Mississippi River and Tributaries (MR and T) projects, or a federal, state or local flood control structure that is or designed to prevent or reduce flooding (including but not limited to placement of dumpsters, heavy equipment, heavy machinery, heavy trucks and/or stockpiles of supplies of any significant weight (fuel tanks, piping, etc.), transport of heavy loads over the levee or disturbing the grass cover or seepage areas, all subsurface work within 1,500 feet of a MR&T levee, or a federal, state or local flood control structure that is or is designed to prevent or reduce flooding including but not limited to pile driving, digging, excavation, and trenching, and seismic surveys/demolition using explosives within 5,000 feet of any MR&T project, or a federal, state or local flood control project that is or is designed to prevent or reduce flooding is

hereby prohibited during the declaration of emergency or until this Emergency Rule is rescinded. Temporary measures such as sandbags, gabion baskets, water-filled tubes or other temporary flood-fighting measures shall be subject to prohibitions on vehicular and pedestrian traffic and any activity that disturbs the performance of such measures, however, subsurface and permitting restrictions established herein shall not apply to such temporary structures.

D. No person shall tie or moor logs, rafts, boats, water craft, or floating objects of any description within 100 feet of the original toe of any levee (the original toe being that established when there is no water against the levee) or 180 feet from the centerline of the levee, whichever distance is further from the centerline of the levee, or, when the water is against the levees, tie or moor floating objects insecurely to mooring posts, revetments, trees or other stationary or supposedly stationary objects on the foreshore where they can be driven against the levees during windstorms or high water events.

E. Waivers to recognized, permitted and current businesses may be granted on a case by case basis, and are dependent on the surrounding surface and subsurface ground conditions in the vicinity of the proposed project or activity, the distance the project is away from the levee and the forecasted river stages. All applications for a waiver must provide a statement that the applicant agrees to hold harmless and indemnify the Coastal Protection and Restoration Authority Board, the Coastal Protection and Restoration Authority, levee districts and authorities, the state, or any employee or agent thereof for any and all liability arising out of the issuance or use of a waiver, including damage to any levee or flood protection structure. All waiver applications must include a copy of the applicant's existing permit and a detailed description of the activities for which a waiver is being requested. No waiver will be granted for subsurface work within 1,500 feet of a MR and T levee, hurricane protection project or a federal, state or local flood control project, and seismic surveys/demolition using explosives within 5,000 feet of any MR and T project, or a federal, state or local flood control project that is or is designed to prevent or reduce flooding. Requests for waivers shall be submitted to, the levee district of jurisdiction and:

Louisiana Coastal Protection and Restoration Authority,  
Operations Division, ATTN: Billy Wall, E., P.O. Box 44027,  
Baton Rouge, LA 70804, CPRArequest@la.gov

F. The Coastal Protection and Restoration Board (CPRA) and the Coastal Protection and Restoration Authority (CPRA) recognize the historic nature of this high water event. In this regard, levee districts are permitted to coordinate with the U.S. Army Corps of Engineers, CPRA Board, CPRA, and other state and local law enforcement officials to establish limited viewing areas that have a full-time law enforcement presence when open to the public.

G. Authorization and Delegation. The Coastal Protection and Restoration Authority Board is authorized, in *La. Revised Statutes* title 49, section 214.5.2.A.(6), to establish procedures in accordance with the Administrative Procedure Act to enforce compliance with the comprehensive master and annual coastal protection plan as defined in R.S. 49:214 et seq. *La. Revised Statutes* title 49, section 214.5.6(D) provides that the "full police power of the state shall be exercised" by the CPRA Board and CPRA "to address the

loss and devastation to the state and individuals arising from hurricanes, storm surges and flooding". It is further authorized in *Revised Statutes* Title 49, Section 214.5.2.A.(5), to delegate any of its powers, duties and functions to the executive director of the Coastal Protection and Restoration Authority, and to state agencies and political subdivisions, including flood protection authorities or levee districts. This emergency regulation is enacted in furtherance of that authority. R.S. 29:724 authorizes the issuance of executive orders, proclamations and regulations in times of emergency. This regulation is promulgated in conjunction with the Governor's Declaration of Emergency (Proclamation No. 205 BJ 2015) pertaining to the imminent threat of flooding of the Mississippi River and its tributaries.

H. Construction with Other Statutes, Ordinances and Regulations. To the extent any local ordinance, rule, regulation, and/or permitting requirement of a local governing body conflicts with the provisions of this regulation, this regulation shall control. However, nothing in this regulation shall be construed to supplant or override any local ordinance, rule, regulation, and/or permitting requirement that provides for a more stringent or restrictive limitation on use of a levee, hurricane protection project or a federal, state or local flood control project, and nothing shall be construed to prevent the simultaneous enforcement of this regulation and a consistent local prohibition or limitation. This regulation will not be construed to override existing limitations on use of levees, hurricane protection projects or federal, state or local flood control projects, including, but not limited to, the provisions of R.S. 38:213 (restricting riding or hauling on levees), La. R.S. 38:225, R.S. 38:226 or to interfere in any way with other statutory prohibitions of a more general nature, such as the trespass prohibitions found in Title 14 of the Louisiana Revised Statutes, all of which may be enforced simultaneously with this regulation.

I. Effectiveness. Except as noted in the following sentence, this emergency regulation is effective as of 5 p.m., December 30, 2015, and shall expire on the earlier of its expiration date as provided by statute (R.S. 49:954), or upon the lifting by the Governor of the Declaration of Emergency set forth in Proclamation No. 205 BJ 2015. This regulation shall become effective as to established and permitted commercial businesses operating within an area affected by this regulation 72 hours after the effective date and time of this regulation (as noted in the prior sentence), provided that if such permitted business has, prior to expiration of such 72 hour period, applied for a waiver as set forth above in Subsection D of this regulation, such waiver application shall act as a temporary waiver permit until CPRA has taken action on that business's waiver request.

J. Enforcement. The CPRA Board, CPRA, levee districts as well as all other state and local law enforcement officials are hereby authorized to enforce the provisions of this regulation.

K. Fees, Fines and Penalties. Violators of this regulation shall be subject to a civil fine imposed by the Coastal Protection and Restoration Authority of up to \$10,000 for each violation. Second and any subsequent violations shall be subject to a civil fine of up to \$20,000 for each violation. Violators shall also be subject to the provisions of R.S. 29:724(E) which provides for up to \$500 and six months in jail for violations of rules or regulations promulgated in

conjunction with a Declaration of Emergency by the governor. Further, nothing in this regulation is intended to interfere with or prohibit the imposition of other applicable fines and penalties provided by other statutes and regulations in addition to those imposed by this regulation.

L. Non-interference with Official Duties. This regulation shall not be construed to restrict the proper officers of the state or of any levee district or parish or the federal government and the employees and agents of such governmental entities while in the performance of their duty in inspecting, guarding, or repairing the levees or flood control projects.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.3.1(A)(2), 49:214.3.1(B)(1)(k), and 49:214.5.2

HISTORICAL NOTE: Promulgated by the Office of the Governor, Coastal Protection and Restoration Authority, LR 42:

Kyle R. "Chip" Kline, Jr.  
Chairman

1601#018

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Bureau of Health Services Financing

#### Disproportionate Share Hospital Payments Inpatient Psychiatric Services Reimbursement Rate Reduction (LAC 50:V.959, 2709 and 2903)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:V.959, §2709 and §2903 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for inpatient hospital services in order to provide supplemental Medicaid payments to non-rural, non-state acute care hospitals that enter into a cooperative endeavor agreement with the department to provide inpatient psychiatric services (*Louisiana Register*, Volume 39, Number 2). The department amended the provisions governing disproportionate share hospital (DSH) payments to non-state distinct part psychiatric units that enter into a cooperative endeavor agreement with the department's Office of Behavioral Health (*Louisiana Register*, Volume 39, Number 3).

As a result of a budgetary shortfall in state fiscal year 2016, the department promulgated an Emergency Rule which amended the provisions governing DSH payments to reduce the payments made to non-rural, non-state acute care hospitals for inpatient psychiatric services (*Louisiana Register*, Volume 41, Number 10). The department has now determined that it is necessary to amend the provisions of the October 1, 2015 Emergency Rule in order to revise these provisions and to correct the formatting of these provisions to assure that these provisions are promulgated in a clear and

concise manner in the *Louisiana Administrative Code* (LAC). This action is being taken to avoid a budget deficit in the Medical Assistance Program.

Effective January 20, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions of the October 1, 2015 Emergency Rule governing disproportionate share hospital payments to reduce the payments made to non-rural, non-state acute care hospitals for inpatient psychiatric services.

#### **Title 50**

### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

#### **Part V. Hospital Services**

#### **Subpart 1. Inpatient Hospital Services**

### **Chapter 9. Non-Rural, Non-State Hospitals**

#### **Subchapter B. Reimbursement Methodology**

#### **§599. Inpatient Psychiatric Hospital Services**

A. - L. ...

M. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:876 (May 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1895 (September 2009), LR 36:1554 (July 2010), LR 36:2562 (November 2010), LR 37:2162 (July 2011), LR 39:94 (January 2013), LR 39:323 (February 2013), LR 42:

#### **Subpart 3. Disproportionate Share Hospital Payments**

### **Chapter 27. Qualifying Hospitals**

#### **§2709. Distinct Part Psychiatric Units**

A. - C. ...

D. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1627 (August 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:505 (March 2013), LR 42:

### **Chapter 29. Public-Private Partnerships**

#### **§2903. Reimbursement Methodology**

A. Free-Standing Psychiatric Hospitals. Effective for dates of service on or after October 1, 2015, the per diem rate paid to free-standing psychiatric hospitals shall be reduced by 5 percent of the rate in effect on September 30, 2015. The new per diem rate shall be \$552.02 per day.

1. Cost and lengths of stay will be reviewed for reasonableness before payments are made. Payments shall be made on a monthly basis.

2. Aggregate DSH payments for hospitals that receive payment from this category, and any other DSH category, shall not exceed the hospital's specific DSH limit. If payments calculated under this methodology would cause a hospital's aggregate DSH payment to exceed the limit, the payment from this category shall be capped at the hospital's specific DSH limit.

B. Repealed.

C. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:2259 (November 2014), amended LR 42:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to all inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert  
Secretary

1601#065

### **DECLARATION OF EMERGENCY**

#### **Department of Health and Hospitals Bureau of Health Services Financing and Office of Aging and Adult Services**

Home and Community-Based Services Waivers  
Adult Day Health Care Waiver  
Electronic Visit Verification  
(LAC 50:XXI.2705)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services adopt LAC 50:XXI.2705 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, through collaborative efforts, provide enhanced long-term services and supports to individuals with physical, mental or functional impairments through the Adult Day Health Care (ADHC) Waiver program.

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services promulgated an Emergency Rule which amended the provisions governing the ADHC Waiver in order to adopt requirements which mandate that providers of personal assistant services must utilize the electronic visit verification (EVV) system designated by the department for automated scheduling, time and attendance tracking, and billing for certain home and community-based services (*Louisiana Register*, Volume 41, Number 10). This Emergency Rule is being promulgated to continue the provisions of the November 1, 2015 Emergency Rule.

This action is being taken to promote the health and welfare of ADHC Waiver participants by assuring that they receive the services they need, and to ensure that these services are rendered in an efficient and cost-effective manner.

Effective February 18, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services amend the provisions governing the Adult Day Health Care Waiver to establish requirements for the use of an EVV system.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part XXI. Home and Community-Based Services**

**Waivers**

**Subpart 3. Adult Day Health Care**

**Chapter 27. Provider Responsibilities**

**§2705. Electronic Visit Verification**

A. Effective for dates of service on or after November 1, 2015, Adult Day Health Care Waiver providers shall use the electronic visit verification (EVV) system designated by the department for automated scheduling, time and attendance tracking, and billing for certain home and community-based services.

B. Reimbursement shall only be made to providers with documented use of the EVV system. The services that require use of the EVV system will be published in the ADHC Waiver provider manual. **AUTHORITY NOTE:**

Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 42:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to all inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert  
Secretary

1601#067

**DECLARATION OF EMERGENCY**

**Department of Health and Hospitals  
Bureau of Health Services Financing  
and**

**Office for Citizens with Developmental Disabilities**

Home and Community-Based Services Waivers  
New Opportunities Waiver—Emergency Opportunities  
(LAC 50:XXI.13709)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities hereby rescinds the October 1, 2015 Emergency Rule governing the allocation of emergency waiver opportunities in the New Opportunities Waiver (NOW), which was published in the September 20, 2015 edition of the *Louisiana Register*. This Emergency Rule is promulgated in accordance with the provisions of the

Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing adopted an Emergency Rule which amended the provisions governing the allocation of waiver opportunities in the NOW to revise the criteria for emergency waiver services, simplify the allocation process for NOW emergency opportunities, and facilitate faster access to NOW emergency services for qualified individuals (*Louisiana Register*, Volume 41, Number 9).

Upon further consideration, the department has now determined that it is necessary to rescind the October 1, 2015 Emergency Rule. Effective immediately, upon adoption of this Emergency Rule, the department shall return to the provisions in place governing the allocation of waiver opportunities for the New Opportunities Waiver located in LAC 50:XXI.13709.

Effective December 19, 2015, the Department of Health and Hospitals, Bureau of Health Services Financing hereby rescinds the provisions of the October 1, 2015 Emergency Rule governing the allocation of waiver opportunities for NOW services which was published on page 1,630 in the September 20, 2015 edition of the *Louisiana Register*.

Kathy H. Kliebert  
Secretary

1601#007

**DECLARATION OF EMERGENCY**

**Department of Health and Hospitals  
Bureau of Health Services Financing**

Inpatient Hospital Services  
Children's Specialty Hospitals  
Supplemental Payments for New Orleans Area Hospitals  
(LAC 50:V.969)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:V.969 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services' disapproval of the state plan amendment for the financing of the transition of the management and operation of certain children's specialty hospitals from state-owned and operated to private partners, the Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which adopted a supplemental payment methodology for inpatient hospital services rendered by children's specialty hospitals in the New Orleans area (*Louisiana Register*, Volume 41, Number 2). This Emergency Rule is being promulgated to continue the provisions of the February 12, 2015 Emergency Rule. This action is being taken to promote the health and welfare of

Medicaid recipients by ensuring sufficient provider participation and continued access to inpatient hospital services through the maximization of federal dollars.

Effective February 10, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing adopts provisions governing supplemental payments for inpatient hospital services rendered by children's specialty hospitals in the New Orleans area.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part V. Hospital Services**

**Subpart 1. Inpatient Hospital Services**

**Chapter 9. Non-Rural, Non-State Hospitals**

**Subchapter B. Reimbursement Methodology**

**§969. Supplemental Payments to Children's Specialty Hospitals in the New Orleans Area**

A. Effective for dates of service on or after February 12, 2015, quarterly supplemental payments shall be made for inpatient hospital services rendered in a hospital in the New Orleans area that meets the following qualifying criteria per the as filed cost report ending in state fiscal year 2014:

1. classified by Medicare as a specialty children's hospital;
2. has a least 100 full-time equivalent interns and residents;
3. has least 70 percent Medicaid inpatient days' utilization rate;
4. has at least 25,000 Medicaid inpatient days; and
5. has a distinct part psychiatric unit.

B. Supplemental payments for inpatient hospital services will be paid quarterly up to the hospital specific upper payment limit (the difference between Medicaid inpatient charges and Medicaid inpatient payments). The payments to the qualifying hospital(s) shall not exceed:

1. the annual Medicaid hospital specific inpatient charges per 42 CFR 447.271;
2. the annual aggregate inpatient hospital upper payment limit for the classification of hospitals per 42 CFR 442.272; and
3. the budgeted state fiscal year supplemental payment amount included in the Annual Appropriation Act as allocated to this specific program in the budget spread pursuant to the department's reimbursement methodology.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert  
Secretary

1601#068

**DECLARATION OF EMERGENCY**

**Department of Health and Hospitals  
Bureau of Health Services Financing**

Inpatient Hospital Services  
Non-Rural, Non-State Hospitals  
Children's Specialty Hospitals Reimbursements  
(LAC 50:V.967)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:V.967 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Due to a budgetary shortfall in SFY 2013, the Department of Health and Hospitals, Bureau of Health Services Financing, amended the provisions governing the reimbursement methodology for inpatient hospital services to reduce the reimbursement rates paid to non-rural, non-state hospitals, including children's specialty hospitals (Louisiana Register, Volume 40, Number 2).

The department subsequently promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for inpatient hospital services rendered by children's specialty hospitals to revise the reimbursement methodology and establish outlier payment provisions (Louisiana Register, Volume 40, Number 10). The department now proposes to amend the October 12, 2015 Emergency Rule to clarify the provisions governing the reimbursement methodology for inpatient hospital services rendered by children's specialty hospitals. This action is being taken to promote the health and welfare of Medicaid recipients by maintaining access to neonatal and pediatric intensive care unit services and encouraging the continued participation of hospitals in the Medicaid Program.

Effective January 20, 2016 the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions of the October 12, 2015 Emergency Rule governing the reimbursement methodology for inpatient hospital services rendered by children's specialty hospitals.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part V. Hospital Services**

**Subpart 1. Inpatient Hospitals**

**Chapter 9. Non-Rural, Non-State Hospitals**

**Subchapter B. Reimbursement Methodology**

**§967. Children's Specialty Hospitals**

A. Routine Pediatric Inpatient Services. For dates of service on or after October 4, 2014, payment shall be made per a prospective per diem rate that is 81.1 percent of the routine pediatric inpatient cost per day as calculated per the "as filed" fiscal year end cost report ending during SFY 2014. The "as filed" cost report will be reviewed by the department for accuracy prior to determination of the final per diem rate.

1. Repealed.

B. Inpatient Psychiatric Services. For dates of service on or after October 4, 2014, payment shall be a prospective per

diem rate that is 100 percent of the distinct part psychiatric cost per day as calculated per the as filed fiscal year end cost report ending during SFY 2014. The as filed cost report will be reviewed by the department for accuracy prior to determination of the final per diem rate.

1. Costs and per discharge/per diem limitation comparisons shall be calculated and applied separately for acute, psychiatric and each specialty service.

C. Carve-Out Specialty Services. These services are rendered by neonatal intensive care units, pediatric intensive care units, burn units and include transplants.

1. Transplants. Payment shall be the lesser of costs or the per diem limitation for each type of transplant. The base period per diem limitation amounts shall be calculated using the allowable inpatient cost per day for each type of transplant per the cost reporting period which ended in SFY 2009. The target rate shall be inflated using the update factors published by the Centers for Medicare and Medicaid (CMS) beginning with the cost reporting periods starting on or after January 1, 2010.

a. For dates of service on or after September 1, 2009, payment shall be the lesser of the allowable inpatient costs as determined by the cost report or the Medicaid days for the period for each type of transplant multiplied times the per diem limitation for the period.

2. Neonatal Intensive Care Units, Pediatric Intensive Care Units, and Burn Units. For dates of service on or after October 4, 2014, payment for neonatal intensive care units, pediatric intensive care units, and burn units shall be made per prospective per diem rates that are 84.5 percent of the cost per day for each service as calculated per the "as filed" fiscal year end cost report ending during SFY 2014. The "as filed" cost report will be reviewed by the department for accuracy prior to determination of the final per diem rate.

D. Children's specialty hospitals shall be eligible for outlier payments for dates of service on or after October 4, 2014.

1. Repealed.

E. ...

1. Repealed.

F. Effective for dates of service on or after February 3, 2010, the per diem rates as calculated per §967.C.1 above shall be reduced by 5 percent. Effective for dates of service on or after January 1, 2011, final payment shall be the lesser of allowable inpatient acute care costs as determined by the cost report or the Medicaid days as specified per §967.C.1 for the period, multiplied by 95 percent of the target rate per diem limitation as specified per §967.C.1 for the period.

G. Effective for dates of service on or after August 1, 2010, the per diem rates as calculated per §967.C.1 above shall be reduced by 4.6 percent. Effective for dates of service on or after January 1, 2011, final payment shall be the lesser of allowable inpatient acute care costs as determined by the cost report or the Medicaid days as specified per §967.C.1 for the period, multiplied by 90.63 percent of the target rate per diem limitation as specified per §967.C.1 for the period.

H. Effective for dates of service on or after January 1, 2011, the per diem rates as calculated per §967.C.1 above shall be reduced by 2 percent. Final payment shall be the lesser of allowable inpatient acute care costs as determined

by the cost report or the Medicaid days as specified per §967.C.1 for the period, multiplied by 88.82 percent of the target rate per diem limitation as specified per §967.C.1 for the period.

I. - I.3. ...

J. Effective for dates of service on or after August 1, 2012, the per diem rates as calculated per §967.C.1 above shall be reduced by 3.7 percent. Final payment shall be the lesser of allowable inpatient acute care costs as determined by the cost report or the Medicaid days as specified per §967.C.1 for the period, multiplied by 85.53 percent of the target rate per diem limitation as specified per §967.C.1 for the period.

K. Effective for dates of service on or after February 1, 2013, the per diem rates as calculated per §967.C.1 above shall be reduced by 1 percent. Final payment shall be the lesser of allowable inpatient acute care costs as determined by the cost report or the Medicaid days as specified per §967.C.1 for the period, multiplied by 84.67 percent of the target rate per diem limitation as specified per §967.C.1 for the period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:2562 (November 2010), amended LR 37:2162 (July 2011), LR 38:2773 (November 2012), LR 39:3097 (November 2013), LR 40:312 (February 2014), repromulgated LR 40:1940 (October 2014), amended LR 40:1941 (October 2014), LR 42:

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert  
Secretary

1601#066

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Bureau of Health Services Financing

Inpatient Hospital Services  
Non-Rural, Non-State Hospitals  
Public Hospitals Supplemental Payments  
(LAC 50:V.963)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:V.963 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing inpatient hospital services to provide supplemental Medicaid payments to qualifying non-rural, non-state public hospitals (*Louisiana Register*, Volume 39, Number 6). The department promulgated an Emergency Rule which amended the reimbursement methodology governing inpatient hospital services in order to amend the provisions governing supplemental Medicaid payments to qualifying non-rural, non-state public hospitals (*Louisiana Register*, Volume 41, Number 10). This Emergency Rule is being promulgated in order to continue the provisions of the October 1, 2015 Emergency Rule. This action is being taken to promote the health and welfare of Medicaid recipients by ensuring sufficient provider participation and continued access to inpatient hospital services through the maximization of federal dollars.

Effective January 30, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for inpatient hospital services rendered by non-rural, non-state public hospitals.

**Title 50**  
**PUBLIC HEALTH—MEDICAL ASSISTANCE**  
**Part V. Hospital Services**  
**Subpart 1. Inpatient Hospital Services**  
**Chapter 9. Non-Rural, Non-State Hospitals**  
**Subchapter B. Reimbursement Methodology**  
**§963. Public Hospitals**

A. - B.1. ...

a. be designated as a major teaching hospital by the department as of July 1, 2015 and have at least 300 licensed acute hospital beds ; or

B.1.b. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2772 (November 2012), amended LR 38:3181 (December 2012), repromulgated LR 39:95 (January 2013), amended LR 39:1471 (June 2013), LR 42:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert  
Secretary

1601#069

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Bureau of Health Services Financing

Inpatient Hospital Services  
Non-Rural, Non-State Hospitals  
Supplemental Payments for Baton Rouge Area Hospitals  
(LAC 50:V.973)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:V.973 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services' disapproval of the state plan amendment for the financing of the transition of the management and operation of certain hospitals from state-owned and operated to private partners, the Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing inpatient hospital services rendered by non-rural, non-state hospitals in order to adopt a supplemental payment methodology for services provided by hospitals located in the Baton Rouge area (*Louisiana Register*, Volume 41, Number 2). This Emergency Rule is being promulgated to continue the provisions of the February 12, 2015 Emergency Rule.

This action is being taken to promote the health and welfare of Medicaid recipients by ensuring sufficient provider participation and continued access to inpatient hospital services through the maximization of federal dollars.

Effective February 10, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing adopts provisions governing the reimbursement methodology for inpatient hospital services rendered by non-rural, non-state hospitals in the Baton Rouge area.

**Title 50**  
**PUBLIC HEALTH—MEDICAL ASSISTANCE**  
**Part V. Hospital Services**  
**Subpart 1. Inpatient Hospital Services**  
**Chapter 9. Non-Rural, Non-State Hospitals**  
**Subchapter B. Reimbursement Methodology**  
**§973. Supplemental Payments to Baton Rouge Area Hospitals**

A. Effective for dates of service on or after February 12, 2015, quarterly supplemental payments shall be made for inpatient hospital services rendered in a hospital in the Baton Rouge area that meets the following qualifying criteria per the as filed cost report ending in state fiscal year 2014:

1. classified as a major teaching hospital;

2. has at least 3,000 Medicaid deliveries, as verified per the Medicaid data warehouse; and

3. has at least 45 percent Medicaid inpatient days utilization rate.

B. Supplemental payments for inpatient hospital services will be paid quarterly up to the hospital specific upper payment limit (the difference between Medicaid inpatient charges and Medicaid inpatient payments). The payments to the qualifying hospital(s) shall not exceed:

1. the annual Medicaid hospital specific inpatient charges per 42 CFR 447.271;

2. the annual aggregate inpatient hospital upper payment limit for the classification of hospitals per 42 CFR 442.272; and

3. the budgeted state fiscal year supplemental payment amount included in the Annual Appropriation Act as allocated to this specific program in the budget spread pursuant to the department's reimbursement methodology.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert  
Secretary

1601#070

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Bureau of Health Services Financing

#### Inpatient Hospital Services Non-Rural, Non-State Hospitals Supplemental Payments for Monroe Area Hospitals (LAC 50:V.971)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:V.971 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services' disapproval of the State Plan Amendment for the financing of the transition of the management and operation of certain hospitals from state-owned and operated to private partners, the Department of Health and Hospitals (DHH), Bureau of

Health Services Financing promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for inpatient hospital services rendered by non-rural, non-state hospitals in order to adopt a supplemental payment methodology for services provided by hospitals located in DHH Administrative Region 8 in the Monroe area (*Louisiana Register*, Volume 41, Number 2). This Emergency Rule is being promulgated in order to continue the provisions of the February 12, 2015 Emergency Rule.

This action is being taken to promote the health and welfare of Medicaid recipients by ensuring sufficient provider participation and continued access to inpatient hospital services through the maximization of federal dollars.

Effective February 10, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing adopts provisions governing the reimbursement methodology for inpatient hospital services rendered by non-rural, non-state hospitals in the Monroe area.

## Title 50

### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part V. Hospital Services

##### Subpart 1. Inpatient Hospital Services

#### Chapter 9. Non-Rural, Non-State Hospitals

##### Subchapter B. Reimbursement Methodology

#### §971. Supplemental Payments to Monroe Area Hospitals

A. Effective for dates of service on or after February 12, 2015, quarterly supplemental payments shall be made for inpatient hospital services rendered by a hospital in the Monroe area that meets the following qualifying criteria:

1. inpatient acute hospital classified as a major teaching hospital;

2. located in DHH Administrative Region 8 (lowest per capita income of any region per the 2010 U.S. Census Bureau records); and

3. per the as filed fiscal year ending June 30, 2013 cost report has:

a. greater than 25 full-time equivalent interns and residents;

b. at least 40 percent Medicaid inpatient days utilization; and

c. a distinct part psychiatric unit.

B. Supplemental payments for inpatient hospital services will be paid quarterly up to the hospital specific upper payment limit (the difference between Medicaid inpatient charges and Medicaid inpatient payments). The payments to the qualifying hospital(s) shall not exceed:

1. the annual Medicaid hospital specific inpatient charges per 42 CFR 447.271;

2. the annual aggregate inpatient hospital upper payment limit for the classification of hospitals per 42 CFR 442.272; and

3. the budgeted state fiscal year supplemental payment amount included in the Annual Appropriation Act as allocated to this specific program in the budget spread pursuant to the department's reimbursement methodology.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of

Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert  
Secretary

1601#071

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Bureau of Health Services Financing

Inpatient Hospital Services  
Public-Private Partnerships  
South Louisiana Area  
(LAC 50:V.1703)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:V.1703 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing inpatient hospital services to establish supplemental Medicaid payments to non-state owned hospitals in order to encourage them to take over the operation and management of state-owned and operated hospitals that have terminated or reduced services. Participating non-state owned hospitals shall enter into a cooperative endeavor agreement with the department to support this public-provider partnership initiative (*Louisiana Register*, Volume 38, Number 11). The department promulgated an Emergency Rule which amended the provisions governing reimbursement for Medicaid payments for inpatient services provided by non-state owned major teaching hospitals participating in public-private partnerships which assume the provision of services that were previously delivered and terminated or reduced by a state owned and operated facility (*Louisiana Register*, Volume 39, Number 4). The department subsequently promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for inpatient services provided by non-state owned hospitals participating in public-private partnerships to establish payments for hospitals located in the Lafayette and New Orleans areas (*Louisiana Register*, Volume 39, Number 7).

The department promulgated an Emergency Rule which amended the provisions of the June 24, 2013 Emergency Rule governing inpatient hospital services to remove the provisions governing the cooperative endeavor agreements

for Lafayette and New Orleans area hospitals as a result of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services' disapproval of the corresponding State Plan Amendments (*Louisiana Register*, Volume 40, Number 6). This Emergency Rule is being promulgated to continue the provisions of the June 20, 2014 Emergency Rule. This action is being taken to promote the health and welfare of Medicaid recipients by maintaining recipient access to much needed hospital services.

Effective February 15, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for inpatient hospital services provided by non-state owned hospitals participating in public-private partnerships.

## Title 50

### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part V. Hospital Services

##### Subpart 1. Inpatient Hospital Services

#### Chapter 17. Public-Private Partnerships

##### §1703. Reimbursement Methodology

A. Reserved.

B. Effective for dates of service on or after April 15, 2013, a major teaching hospital that enters into a cooperative endeavor agreement with the Department of Health and Hospitals to provide acute care hospital services to Medicaid and uninsured patients and which assumes providing services that were previously delivered and terminated or reduced by a state owned and operated facility shall be reimbursed as follows:

1. The inpatient reimbursement shall be reimbursed at 95 percent of allowable Medicaid costs. The interim per diem reimbursement may be adjusted not to exceed the final reimbursement of 95 percent of allowable Medicaid costs.

C. Baton Rouge Area Cooperative Endeavor Agreement

1. The Department of Health and Hospitals (DHH) shall enter into a cooperative endeavor agreement (CEA) with a non-state owned and operated hospital to increase its provision of inpatient Medicaid hospital services by providing services that were previously delivered and terminated by the state-owned and operated facility in Baton Rouge.

2. A quarterly supplemental payment shall be made to this qualifying hospital for inpatient services based on dates of service on or after April 15, 2013. Payments shall be made quarterly based on the annual upper payment limit calculation per state fiscal year. Payments shall not exceed the allowable Medicaid charge differential. The Medicaid inpatient charge differential is the Medicaid inpatient charges less the Medicaid inpatient payments (which includes both the base payments and supplemental payments).

3. The qualifying hospital shall provide quarterly reports to DHH that will demonstrate that, upon implementation, the annual Medicaid inpatient quarterly payments do not exceed the annual Medicaid inpatient charges per 42 CFR 447.271. Before the final quarterly payment for each state fiscal year the quarterly reports will be reviewed and verified with Medicaid claims data. The final quarterly payment for each state fiscal year will be reconciled and will be adjusted to assure that the annual payment does not exceed the allowable Medicaid inpatient charge differential.

4. Inpatient services shall be reimbursed at 95 percent of allowable Medicaid costs. The interim per diem reimbursement may be adjusted not to exceed the final reimbursement of 95 percent of allowable Medicaid costs.

D. – K. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert  
Secretary

1601#072

## **DECLARATION OF EMERGENCY**

### **Department of Health and Hospitals Bureau of Health Services Financing**

#### **Intermediate Care Facilities for Persons with Intellectual Disabilities Complex Care Reimbursements (LAC 50:VII.32915)**

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:VII.32915 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing currently provides Medicaid reimbursement to non-state intermediate care facilities for persons with intellectual disabilities (ICFs/ID) for services provided to Medicaid recipients.

The department promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for ICFs/ID to establish reimbursement for complex care services provided to Medicaid recipients residing in non-state ICFs/ID (*Louisiana Register*, Volume 40, Number 10). This Emergency Rule is being promulgated to continue the provisions of the October 1, 2014 Emergency Rule. This action is being taken to protect the public health and welfare of Medicaid recipients with complex care needs who reside in ICFs/ID.

Effective January 28, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing proposes to amend the provisions governing non-state ICFs/ID to establish reimbursement for complex care services.

## **Title 50**

### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

#### **Part VII. Long Term Care**

#### **Subpart 3. Intermediate Care Facilities for Persons with Intellectual Disabilities**

#### **Chapter 329. Reimbursement Methodology**

#### **Subchapter A. Non-State Facilities**

#### **§32915. Complex Care Reimbursements**

A. Effective for dates of service on or after October 1, 2014, non-state intermediate care facilities for persons with intellectual disabilities may receive an add-on payment to the per diem rate for providing complex care to Medicaid recipients who require such services. The add-on rate adjustment shall be a flat fee amount and may consist of payment for any one of the following components:

1. equipment only;
2. direct service worker(DSW);
3. nursing only;
4. equipment and DSW;
5. DSW and nursing;
6. nursing and equipment; or
7. DSW, nursing, and equipment.

B. Non-state owned ICFs/ID may qualify for an add-on rate for recipients meeting documented major medical or behavioral complex care criteria. This must be documented on the complex support need screening tool provided by the department. All medical documentation indicated by the screening tool form and any additional documentation requested by the department must be provided to qualify for the add-on payment.

C. In order to meet the complex care criteria, the presence of a significant medical or behavioral health need must exist and be documented. This must include:

1. endorsement of at least one qualifying condition with supporting documentation; and
2. endorsement of symptom severity in the appropriate category based on qualifying condition(s) with supporting documentation.
  - a. Qualifying conditions for complex care must include at least one of the following as documented on the complex support need screening tool:
    - i. significant physical and nutritional needs requiring full assistance with nutrition, mobility, and activities of daily living;
    - ii. complex medical needs/medically fragile; or
    - iii. complex behavioral/mental health needs.

D. Enhanced Supports. Enhanced supports must be provided and verified with supporting documentation to qualify for the add-on payment. This includes:

1. endorsement and supporting documentation indicating the need for additional direct service worker resources;
2. endorsement and supporting documentation indicating the need for additional nursing resources; or
3. endorsement and supporting documentation indicating the need for enhanced equipment resources (beyond basic equipment such as wheelchairs and grab bars).

E. One of the following admission requirements must be met in order to qualify for the add-on payment:

1. the recipient has been admitted to the facility for more than 30 days with supporting documentation of necessity and provision of enhanced supports; or

2. the recipient is transitioning from another similar agency with supporting documentation of necessity and provision of enhanced supports.

F. All of the following criteria will apply for continued evaluation and payment for complex care.

1. Recipients receiving enhanced rates will be included in annual surveys to ensure continuation of supports and review of individual outcomes.

2. Fiscal analysis and reporting will be required annually.

3. The provider will be required to report on the following outcomes:

a. hospital admissions and diagnosis/reasons for admission;

b. emergency room visits and diagnosis/reasons for admission;

c. major injuries;

d. falls; and

e. behavioral incidents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821—9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert  
Secretary

1601#073

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Bureau of Health Services Financing

#### Intermediate Care Facilities for Persons with Intellectual Disabilities—Public Facilities Reimbursement Rate Increase (LAC 50:VII.32969)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:VII.32969 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for public intermediate care facilities for persons with developmental

disabilities (ICFs/DD), hereafter referred to as intermediate care facilities for persons with intellectual disabilities (ICFs/ID), to establish a transitional Medicaid reimbursement rate for community homes that are being privatized (*Louisiana Register*, Volume 39, Number 2). This Rule also adopted all of the provisions governing reimbursements to state-owned and operated facilities and quasi-public facilities in a codified format for inclusion in the *Louisiana Administrative Code*.

The department promulgated an Emergency Rule which amended the provisions governing the transitional rates for public facilities in order to redefine the period of transition (*Louisiana Register*, Volume 39, Number 10). The department subsequently promulgated an Emergency Rule to assure compliance with the technical requirements of R.S. 49:953, and to continue the provisions of the October 1, 2013 Emergency Rule governing transitional rates for public facilities (*Louisiana Register*, Volume 40, Number 3). The department promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for ICFs/ID to increase the add-on amount to the per diem rate for the provider fee (*Louisiana Register*, Volume 40, Number 3).

Due to an increase in the add-on amount to the per diem rate for the provider fee, the department promulgated an Emergency Rule which amended the provisions governing the transitional rates for public facilities in order to increase the Medicaid reimbursement rate (*Louisiana Register*, Volume 40, Number 9). This Emergency Rule is being promulgated to continue the provisions of the October 1, 2014 Emergency Rule. This action is being taken to protect the public health and welfare of Medicaid recipients transitioning from public ICFs/ID by ensuring continued provider participation in the Medicaid Program.

Effective January 28, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for public intermediate care facilities for persons with intellectual disabilities.

## Title 50

### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part VII. Long Term Care

#### Subpart 3. Intermediate Care Facilities for Persons with Intellectual Disabilities

#### Chapter 329. Reimbursement Methodology

#### Subchapter C. Public Facilities

#### §32969. Transitional Rates for Public Facilities

A. - F.4. ...

G. Effective for dates of service on or after October 1, 2014, the transitional Medicaid reimbursement rate shall be increased by \$1.85 of the rate in effect on September 30, 2014.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:326 (February 2013), amended LR 40:2588 (December 2014), LR 42:

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this Emergency Rule. A

copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert  
Secretary

1601#074

**DECLARATION OF EMERGENCY**

**Department of Health and Hospitals  
Bureau of Health Services Financing**

Managed Care for Physical and Basic Behavioral Health  
Non-Emergency Medical Transportation (LAC 50:I.3103)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:I.3103 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing managed care for physical and basic behavioral health in order to reflect the integration of specialized behavioral health services into Bayou Health as a result of the narrowing of the statewide management organization’s scope of service administration for certain behavioral health services (*Louisiana Register*, Volume 41, Number 11). The department now proposes to amend the provisions governing managed care for physical and basic behavioral health to provide clarification regarding the inclusion of non-emergency medical transportation services.

This action is being taken to avoid a budget deficit in the medical assistance program and to promote the health and welfare of Medicaid recipients by ensuring continued access to non-emergency medical transportation services. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$32,701 for state fiscal year 2015-2016.

Effective January 1, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing managed care for physical and basic behavioral health.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part I. Administration**

**Subpart 3. Managed Care for Physical and Basic Behavioral Health**

**Chapter 31. General Provisions**

**§3103. Recipient Participation**

A. - B. ...

1. Participation in an MCO for the following participants is mandatory for specialized behavioral health and non-emergency medical transportation (NEMT) services (ambulance and non-ambulance) only, and is voluntary for physical health services:

B.1.a. - D. ...

E. Mandatory MCO Populations—Specialized Behavioral Health Services and Non-Emergency Ambulance Services Only

1. The following populations are mandatory enrollees in Bayou Health for specialized behavioral health services and non-emergency ambulance services only:

a. - b. ...

F. Mandatory MCO Populations—Specialized Behavioral Health and NEMT Services (Ambulance and Non-Ambulance) Only

F.1. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:1573 (June 2011), amended LR 40:310 (February 2014), LR 40:1096 (June 2014), LR 40:2258 (November 2014), LR 41:929 (May 2015), LR 41:2363 (November 2015), LR 42:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert  
Secretary

1601#010

**DECLARATION OF EMERGENCY**

**Department of Health and Hospitals  
Bureau of Health Services Financing**

Outpatient Hospital Services  
Children’s Specialty Hospitals  
Supplemental Payments for  
New Orleans Area Hospitals  
(LAC 50:V.6121)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:V.6121 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

As a result of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services’ disapproval of the state plan amendment for the financing of the transition of the management and operation of certain children’s specialty hospitals from state-owned and operated to private partners, the Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which adopted a supplemental payment methodology for outpatient hospital services rendered by

children's specialty hospitals in the New Orleans area (*Louisiana Register*, Volume 41, Number 2). This Emergency Rule is being promulgated to continue the provisions of the February 12, 2015 Emergency Rule. This action is being taken to promote the health and welfare of Medicaid recipients by ensuring sufficient provider participation and continued access to inpatient hospital services through the maximization of federal dollars.

Effective February 10, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing adopts provisions governing outpatient supplemental payments for outpatient hospital services rendered by children's specialty hospitals in the New Orleans area.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part V. Hospitals**

**Subpart 5. Outpatient Hospitals**

**Chapter 61. Other Outpatient Hospital Services**

**Subchapter B. Reimbursement Methodology**

**§6121. Supplemental Payments for Children's Specialty Hospitals in the New Orleans Area**

A. Effective for dates of service on or after February 12, 2015, quarterly supplemental payments shall be made for outpatient hospital services rendered in a hospital in the New Orleans area that meets the following qualifying criteria per the as filed cost report in state fiscal year 2014:

1. classified by Medicare as a specialty children's hospital;
2. has at least 100 full-time equivalent interns and residents;
3. has at least 70 percent Medicaid inpatient days' utilization rate;
4. has at least 25,000 Medicaid inpatient days; and
5. has a distinct part psychiatric unit.

B. Supplemental payments for outpatient hospital services will be paid quarterly. The payments to the qualifying hospital(s) shall not exceed:

1. the aggregate outpatient hospital upper payment limits for the classification of hospitals pursuant to 42 CFR 447.321; and
2. the budgeted state fiscal year supplemental payment amount included in the Annual Appropriation Act as allocated to this specific program in the budget spread pursuant to the department's reimbursement methodology.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert  
Secretary

**DECLARATION OF EMERGENCY**

**Department of Health and Hospitals  
Bureau of Health Services Financing**

Outpatient Hospital Services  
Non-Rural, Non-State Hospitals  
Supplemental Payments for  
Baton Rouge Area Hospitals  
(LAC 50:V.6905)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:V.6905 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services' disapproval of the state plan amendment for the financing of the transition of the management and operation of certain hospitals from state-owned and operated to private partners, the Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing outpatient hospital services rendered by non-rural, non-state hospitals in order to adopt a supplemental payment methodology for services provided by hospitals located in the Baton Rouge area (*Louisiana Register*, Volume 41, Number 2). This Emergency Rule is being promulgated to continue the provisions of the February 12, 2015 Emergency Rule.

This action is being taken to promote the health and welfare of Medicaid recipients by ensuring sufficient provider participation and continued access to outpatient hospital services through the maximization of federal dollars.

Effective February 10, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing adopts provisions governing the reimbursement methodology for outpatient hospital services rendered by non-rural, non-state hospitals in the Baton Rouge area.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part V. Hospital Services**

**Subpart 5. Outpatient Hospital Services**

**Chapter 69. Supplemental Payments**

**§6905. Non-Rural, Non-State Hospitals in the Baton Rouge Area**

A. Effective for dates of service on or after February 12, 2015, quarterly supplemental payments shall be made for outpatient hospital services rendered in a hospital in the Baton Rouge area that meets the following qualifying criteria per the as filed cost report ending state fiscal year 2014:

1. classified as a major teaching hospital;
2. has at least 3,000 Medicaid deliveries, as verified per the Medicaid data warehouse; and
3. has at least 45 percent Medicaid inpatient days utilization rate.

B. Supplemental payments for outpatient hospital services will be paid quarterly. The payments to the qualifying hospital(s) shall not exceed:

1. the aggregate outpatient hospital upper payment limits for the classification of hospitals pursuant to 42 CFR 447.321; and

2. the budgeted state fiscal year supplemental payment amount included in the Annual Appropriation Act as allocated to this specific program in the budget spread pursuant to the department's reimbursement methodology.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Service Financing, LR 42:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert  
Secretary

1601#076

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Bureau of Health Services Financing

Outpatient Hospital Services  
Non-Rural, Non-State Hospitals  
Supplemental Payments for  
Monroe Area Hospitals  
(LAC 50:V.6903)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:V.6903 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services' disapproval of the State Plan Amendment for the financing of the transition of the management and operation of certain hospitals from state-owned and operated to private partners, the Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for outpatient hospital services rendered by

non-rural, non-state hospitals in order to adopt a supplemental payment methodology for services provided by hospitals located in DHH Administrative Region 8 in the Monroe area (*Louisiana Register*, Volume 41, Number 3). This Emergency Rule is being promulgated to continue the provisions of the February 12, 2015 Emergency Rule. This action is being taken to promote the health and welfare of Medicaid recipients by ensuring sufficient provider participation and continued access to outpatient hospital services through the maximization of federal dollars.

Effective February 10, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing adopts provisions governing supplemental payments for outpatient hospital services rendered by non-rural, non-state hospitals in the Monroe area.

## Title 50

### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part V. Hospital Services

##### Subpart 5. Outpatient Hospital Services

#### Chapter 69. Supplemental Payments

##### §6903. Non-Rural, Non-State Hospitals in the Monroe Area

A. Effective for dates of service on or after February 12, 2015, quarterly supplemental payments shall be made for outpatient hospital services rendered by a hospital in the Monroe area that meets the following qualifying criteria:

1. inpatient acute hospital classified as a major teaching hospital;

2. located in DHH administrative region 8 (lowest per capita income of any region per the 2010 U.S. Census Bureau records); and

3. per the as filed fiscal year ending June 30, 2013 cost report has:

a. greater than 25 full-time equivalent interns and residents;

b. at least 40 percent Medicaid inpatient days utilization; and

c. a distinct part psychiatric unit.

B. Supplemental payments for outpatient hospital services will be paid quarterly. The payments to the qualifying hospital(s) shall not exceed:

1. the aggregate outpatient hospital upper payment limits for the classification of hospitals pursuant to 42 CFR 447.321; and

2. the budgeted state fiscal year supplemental payment amount included in the Annual Appropriation Act as allocated to this specific program in the budget spread pursuant to the department's reimbursement methodology.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to

MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert  
Secretary

1601#077

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Bureau of Health Services Financing

Outpatient Hospital Services  
Public-Private Partnerships  
South Louisiana Area  
(LAC 50:V.6703)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:V.6703 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing outpatient hospital services to establish supplemental Medicaid payments to non-state owned hospitals in order to encourage them to take over the operation and management of state-owned hospitals that have terminated or reduced services (*Louisiana Register*, Volume 38, Number 11). Participating non-state owned hospitals shall enter into a cooperative endeavor agreement with the department to support this public-private partnership initiative. The department promulgated an Emergency Rule which amended the provisions of the November 1, 2012 Emergency Rule to revise the reimbursement methodology in order to correct the federal citation (*Louisiana Register*, Volume 39, Number 3). The department promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for outpatient services provided by non-state owned major teaching hospitals participating in public-private partnerships which assume the provision of services that were previously delivered and terminated or reduced by a state owned and operated facility (*Louisiana Register*, Volume 39, Number 4). The department promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for outpatient services provided by non-state owned hospitals participating in public-private partnerships to establish payments for hospitals located in the Lafayette and New Orleans areas (*Louisiana Register*, Volume 39, Number 7).

The department promulgated an Emergency Rule which amended the provisions of the June 24, 2013 Emergency Rule to remove the New Orleans Area hospital which was

erroneously included in these provisions (*Louisiana Register*, Volume 39, Number 10). This Emergency Rule is being promulgated to continue the provisions of the October 20, 2013 Emergency Rule. This action is being taken to promote the health and welfare of Medicaid recipients by maintaining recipient access to much needed hospital services.

Effective February 14, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for outpatient hospital services provided by non-state owned hospitals participating in public-private partnerships.

#### Title 50

### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part V. Hospital Services

#### Subpart 5. Outpatient Hospital Services

#### Chapter 67. Public-Private Partnerships

#### §6703. Reimbursement Methodology

A. - B.5. Reserved.

C. Baton Rouge Area Cooperative Endeavor Agreement

1. The Department of Health and Hospitals shall enter into a cooperative endeavor agreement with a non-state owned and operated hospital to increase its provision of outpatient Medicaid hospital services by providing services that were previously delivered and terminated by the state-owned and operated facility in Baton Rouge.

2. A quarterly supplemental payment may be made to this qualifying hospital for outpatient services based on dates of service on or after April 15, 2013. Payments may be made quarterly based on the annual upper payment limit calculation per state fiscal year. Maximum payments shall not exceed the upper payment limit per 42 CFR 447.321.

D. Lafayette Area Cooperative Endeavor Agreement

1. The Department of Health and Hospitals shall enter into a cooperative endeavor agreement with a non-state owned and operated hospital to increase its provision of outpatient Medicaid hospital services by assuming the management and operation of services at a facility in Lafayette where such services were previously provided by a state owned and operated facility.

2. Effective for dates of service on or after June 24, 2013, a quarterly supplemental payment may be made to this qualifying hospital for outpatient services. Payments may be made quarterly based on the annual upper payment limit calculation per state fiscal year. Maximum payments shall not exceed the upper payment limit per 42 CFR 447.321.

E. - E.2. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for

responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert  
Secretary

1601#078

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Bureau of Health Services Financing

Pharmacy Benefits Management Program  
Methods of Payment  
(LAC 50:XXIX.105 and Chapter 9)

The Department of Health and Hospitals, Bureau of Health Services Financing hereby rescinds the provisions of the November 1, 2012 Emergency Rule which revised the reimbursement methodology for pharmacy services covered under the Medical Assistance Program as authorized by R.S. 36:254. This Emergency Rule was adopted on October 19, 2012 and published in the November 20, 2012 edition of the *Louisiana Register*. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing provides coverage and reimbursement for prescription drugs to Medicaid eligible recipients enrolled in the Medicaid Program. The department promulgated an Emergency Rule which amended the provisions of the September 5, 2012 Emergency Rule to further revise the provisions governing the methods of payment for prescription drugs and the dispensing fee (*Louisiana Register*, Volume 38, Number 11).

Upon further consideration and consultation with the U.S. Department of Health and Human Services, Centers for Medicaid and Medicare Services (CMS) on the corresponding Medicaid State Plan Amendment, the department determined that it was necessary to rescind the provisions of the November 1, 2012 Emergency Rule governing the reimbursement methodology for services rendered in the Pharmacy Benefits Management Program, and to return to the reimbursement rates in effect on September 5, 2012 which is consistent with the currently approved Medicaid State Plan (*Louisiana Register*, Volume 40, Number 10). This Emergency Rule is being promulgated to continue the provisions of the October 1, 2014 Emergency Rule.

Effective January 28, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing rescinds the Emergency Rule governing pharmacy services which appeared in the November 20, 2013 edition of the *Louisiana Register* on pages 2725-2728.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O.

Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to all inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert  
Secretary

1601#079

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Bureau of Health Services Financing

Pharmacy Benefits Management Program  
State Supplemental Rebate Agreement Program  
(LAC 50:XXIX.Chapter 11)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:XXIX.Chapter 11 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing provides Medicaid coverage of prescription drugs through its Pharmacy Benefits Management Program. The department amended the provisions governing the Pharmacy Benefits Management Program in order to establish provisions for the Medicaid Program's participation in The Optimal PDL Solution (TOPS) State Supplemental Rebate Agreement Program which is a multi-state Medicaid state supplemental drug rebate pooling initiative (*Louisiana Register*, Volume 39, Number 10). This program allows states to leverage their pharmaceutical purchasing power as a group to achieve more supplemental rebates than could be achieved independently. It is anticipated that this program will lower the net cost of brand drugs and the overall dollars spent on pharmacy benefits. The department promulgated an Emergency Rule to assure compliance with the technical requirements of R.S. 49:953, and to continue the provisions of the October 1, 2013 Emergency Rule governing the Pharmacy Benefits Management Program which established provisions for the Medicaid Program's participation in The Optimal PDL Solution (TOPS) State Supplemental Rebate Agreement Program (*Louisiana Register*, Volume 40, Number 3). This Emergency Rule is being promulgated to continue the provisions of the February 22, 2014 Emergency Rule. This action is being taken to avoid a budget deficit in the medical assistance programs.

Effective February 18, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the Medicaid coverage of prescription drugs to establish provisions for participation in TOPS State Supplemental Rebate Agreement Program.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part XXIX. Pharmacy**

**Chapter 11. State Supplemental Rebate Agreement Program**

**§1101. General Provisions**

A. Effective October 1, 2013, the Department of Health and Hospitals, Bureau of Health Services Financing hereby establishes provisions for participation in The Optimal PDL Solution (TOP\$) State Supplemental Rebate Agreement (SRA) Program. TOP\$ is a multi-state Medicaid state supplemental drug rebate pooling initiative approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services and administered by Provider Synergies, L.L.C/Magellan Medicaid Administration. The purpose of this program is to allow states the opportunity to leverage their pharmaceutical purchasing power as a group to achieve more supplemental rebates and discounts from prescription drug companies than could be achieved independently.

B. Pursuant to R.S. 46:153.3, the department shall enter into a contractual agreement with Provider Synergies to participate in TOP\$. Provider Synergies/Magellan Medicaid Administration will act on the department’s behalf to provide the necessary administration services relative to this agreement for the provision of state supplemental drug rebate contracting and preferred drug list administration services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert  
Secretary

1601#080

**DECLARATION OF EMERGENCY**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

**2016-17 Commercial King Mackerel Season**

In accordance with the provisions of R.S. 49:953 which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to employ emergency procedures to establish seasonal rules to set finfish seasons, R.S. 56:6 (25)(a) and 56:326.3 which provide that the Wildlife and Fisheries Commission may set seasons for saltwater finfish; the Wildlife and Fisheries Commission hereby sets the following season for the commercial harvest of king mackerel in Louisiana state waters:

The commercial season for king mackerel in Louisiana state waters will open at 12:01 a.m., July 1, 2016 and remain open until the allotted portion of the commercial king

mackerel quota for the western Gulf of Mexico has been harvested or projected to be harvested.

The commission grants authority to the Secretary of the Department of Wildlife and Fisheries to close the commercial king mackerel season in Louisiana state waters when he is informed by the National Marine Fisheries Service (NMFS) that the commercial king mackerel quota for the western Gulf of Mexico has been harvested or is projected to be harvested, such closure order shall close the season until 12:01 a.m., July 1, 2017, which is the date expected to be set for the re-opening of the 2017-18 commercial king mackerel season in Federal waters.

The commission also authorizes the Secretary to open additional commercial king mackerel seasons in Louisiana state waters if he is informed that NMFS has opened such additional seasons and to close such seasons when he is informed that the commercial king mackerel quota for the western Gulf of Mexico has been filled, or is projected to be filled, or as needed to effectively implement the provisions herein upon notification to the Chairman of the Wildlife and Fisheries Commission.

Effective with seasonal closures under this rule, no person shall commercially harvest, possess, purchase, exchange, barter, trade, sell, or attempt to purchase, exchange, barter, trade, or sell king mackerel, whether taken from within or without Louisiana territorial waters. Also effective with this closure, no person shall possess king mackerel in excess of a daily bag limit, which may only be in possession during the open recreational season by legally licensed recreational fishermen. Nothing shall prohibit the possession or sale of fish by a commercial dealer if legally taken prior to the closure providing that all commercial dealers possessing such fish taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6.

Pat Manuel  
Chairman

1601#055

**DECLARATION OF EMERGENCY**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

**Closures to Deer Hunting Seasons**

In accordance with the emergency provisions of R.S. 49:953 and R.S.56:115, and under the authority of R.S.49:953of the Administrative Procedure Act, which allows the Wildlife and Fisheries Commission to use emergency procedures to set deer hunting seasons, and due to the recent flooding of the Mississippi River and expected openings of the Morganza and Bonnet Carre spillways, the Wildlife and Fisheries Commission does hereby alter the previously established deer hunting seasons for 2015-16 hunting season and close the hunting season for the specific areas described below in the event of the opening of the Morganza and/or Bonnet Carre Spillway:

All lands within the Morganza floodway, from the Morganza control structure, south to I-10, and from I-10 south, within the protection levees of the Atchafalaya basin.

Deer: Closed

Additionally the following buffer area east of the spillway will be closed to deer hunting:

All that land between the East Atchafalaya Basin Protection Levee eastward to LA 1, beginning at the Junction of LA 1 and LA 10 in Morganza, thence following LA 10 west to LA 77, then south on LA 77 to LA 81 near Fardoche, then south on LA 81 to LA 77 south of Livonia, then south on LA 77 to LA 76 at Maringouin, then south on LA 76 to Hwy 3000, then south on Hwy 3000 to I-10 at Ramah.

Sherburne WMA, including Atchafalaya National Wildlife Refuge and the Bayou Des Ourses Area:

Deer: Closed

Indian Bayou Area:

Deer: Closed

Bonnet Carre Spillway

Deer: Closed

These actions are being taken as a result of significant threats to human safety, unfair chase, potential overharvest of deer, and/or mortality within the flood zone areas identified above. The aforementioned 2015-2016 deer season closures will become effective 1/2 hour after sunset on the dates the Bonnet Carre and/or Morganza spillway gates are opened and remain in effect for the maximum period allowed under the Administrative Procedure Act or until reopened by the secretary upon his determination that the reasons for the emergency closure are no longer deemed necessary.

Edwin "Pat" Manuel  
Chairman

1601#054

**DECLARATION OF EMERGENCY**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

**Partial Deer Hunting Season Closure**

In accordance with the emergency provisions of R.S. 49:953 of the Administrative Procedure Act, and under authority of R.S. 56:115, the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby adopts the following Emergency Rule.

Due to excessive high water levels in the Mississippi River, portions of East Carroll, Madison, Tensas and Concordia parishes are experiencing flooding along the Mississippi River, causing a concentration of deer into what little high ground remains. Continued unrestricted hunting under these circumstances poses a potential risk of overharvest of the deer resource and may pose a significant risk to the hunting public because of the increased concentration of hunters in the areas where deer and other wildlife are located. Therefore, until the high water recedes, it is necessary to restrict deer hunting in the below described area. The restricted area shall be the area which is more

specifically described as follows: East of US Hwy. 65, South of the Louisiana/Arkansas border, North of Vidalia, Louisiana, West of the Louisiana/Mississippi border.

In accordance with the provisions of 56:6.1, hunting in the above described area shall be as follows: No deer hunting. All other hunting is open. This Declaration of Emergency shall become effective January 3, 2016, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until rescinded by the Secretary.

Robert J. Barham  
Secretary

1601#015

**DECLARATION OF EMERGENCY**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

**Partial Closure of State Outside Waters to Shrimping**

In accordance with the emergency provisions of R.S. 49:953 of the Administrative Procedure Act, and under the authority of R.S.56:497, which provides that the Wildlife and Fisheries Commission shall have the authority to open or close state outside waters to shrimping by zone each year as it deems appropriate and; may delegate to the Secretary of the Department of Wildlife and Fisheries this authority, the Wildlife and Fisheries Commission hereby authorizes the Secretary to close to shrimping all or parts of state outside waters where significant numbers of small, sublegal size white shrimp are found in biological samples conducted by the department and to reopen any area closed to shrimping when the closure is no longer necessary. The Commission also hereby authorizes the Secretary of the Department of Wildlife and Fisheries to open and close special shrimp seasons in any portion of state inside waters where such a season would not detrimentally impact developing brown shrimp populations following notification to the Chairman of the Wildlife and Fisheries Commission.

R.S. 56:498 provides that the possession count on saltwater white shrimp for each cargo lot shall average no more than 100 (whole specimens) count per pound except during the time period from October fifteenth through the third Monday in December. Historical data indicate that significant numbers of smaller size white shrimp occupying coastal lakes and bays migrate into these waters as water temperatures drop in conjunction with the onset of winter. This action is being taken to protect these small white shrimp and provide them the opportunity to grow to a larger and more valuable size. Notice of any opening, delaying or closing of a season by the secretary will be made by public notice at least 72 hours prior to such action.

Edwin "Pat" Manuel  
Chairman

1601#056

## DECLARATION OF EMERGENCY

### Workforce Commission Office of Workers' Compensation

Fees (LAC 40:I.6605)

The Louisiana Workforce Commission has exercised the emergency provision in accordance with R.S. 49:953(B), the Administrative Procedure Act to amend fees contained in the Louisiana Administrative Code, Title 40, Labor and Employment, Part I, Workers' Compensation Administration, Subpart 3, Hearing Rules, Chapter 66. This Emergency Rule effective February 1, 2016, will remain in effect for a period of 120 days.

This amendment is required pursuant to the deficit reduction plan adopted by the Division of Administration.

The department considers emergency action necessary to generate funds necessary for the Office of Workers' Compensation to maintain services. Notice is hereby given, in accordance with R.S. 49:950, et seq., that the Louisiana Workforce Commission, Office of Workers' Compensation, pursuant to authority vested in the Director of the Office of Workers' Compensation by R.S. 23:1291, R.S. 23:1310.1, and R.S. 23:1310.11, and in accordance with applicable provisions of the Administrative Procedure Act, proposes to amend LAC 40:I., Subpart 3, Chapter 66.

#### Title 40

#### LABOR AND EMPLOYMENT

#### Part I. Workers' Compensation Administration

#### Subpart 3. Hearing Rules

#### Chapter 66. Miscellaneous

#### §6605. Fees

A. The clerks for the Office of Workers' Compensation Administration shall be entitled to demand and receive the following fees as court costs in a Workers' Compensation dispute. Fees not pre-paid shall be due upon dismissal or final judgment, or on demand by the clerk.

1. filing of LWC-WC-1008—\$50;
2. filing of LWC-WC-1011 where no LWC-WC-1008 has been filed—\$50;
3. service of process on secretary of state—\$50 or as otherwise set by the secretary of state;
4. copies of any paper in any suit record—\$0.25 per page;
5. for each certification—\$1;
6. filing by facsimile transmission—\$5 for the first 10 pages and \$1 for each page thereafter;
7. cost of preparation of record for appeal—available upon request from the district offices;
8. cost of service by certified mail—\$5 per service.
9. subpoenas/subpoenas *ducestecum*—\$5.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:281 (February 1999), amended LR 25:1871 (October 1999), amended by the Louisiana Workforce Commission, Office of Workers' Compensation, LR 37:1630 (June 2011), LR 42:

Inquiries concerning the proposed enactment may be sent to Patrick Robinson, OWC-Administration, 1001 North 23rd Street, Baton Rouge, LA 70802.

Curt Eysink  
Executive Director

1601#046

## DECLARATION OF EMERGENCY

### Workforce Commission Plumbing Board

Plumbing (LAC 46:LV.101, Chapter 3 and 1005)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:953, the Louisiana State Plumbing Board (board), hereby determines that adoption of an Emergency Rule for the implementation of amendments to LAC 46:LV. 101, 301, 303, 304, 305, 306, 307, 310, 312, 313, and 1005 is necessary to avoid a conflict with the rules as currently written. The proposed Rule change allows the board to direct individuals to the appropriate industry guidelines indicated for licensing and recertification for medical gas piping installers, medical gas and vacuum systems verifiers and water supply protection specialists, effective January 1, 2016.

#### Title 46

#### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LV. Plumbers

NOTE: All references of the "latest edition" to the ASSE and NFPA refer to the latest editions as adopted by the Department of Health and Hospitals, Office of Public Health in LAC 51:XIV.

#### §101. Definitions

*Backflow Prevention Device*—an assembly that has been investigated and approved by the American Society of Sanitary Engineering International (ASSE), and, if applicable, by the Louisiana Department of Health and Hospitals.

\* \* \*

*Medical Gas and Vacuum System Verification*—the work or business of testing and verifying medical gas piping installations and systems. Medical gas piping systems include vacuum piping. The medical gas piping systems subject to this definition include facilities and laboratories within the scope of National Fire Protection Association (NFPA) NFPA 99 Health Care Facilities Code, latest edition. It shall include a person's ability to understand and apply NFPA 99, as well as standards listed in Section 1.4 of the Professional Qualifications Standard for Medical Gas Systems Installers, Inspectors and Verifiers, ASSE –Series 6000, Standard 6030, latest edition, and to properly document findings to be kept as a permanent record for review by the Louisiana State Fire Marshal or other governmental agencies with compliance and enforcement authority.

*Medical Gas and Vacuum Systems Verifier*—a natural person who possesses the necessary qualifications and knowledge to test and verify the operation of medical gas

and vacuum piping systems, subject to the professional qualification standards established by the American Society of Sanitary Engineering International (ASSE) Series 6000, Standard 6030, (latest edition), and who is licensed as such by the board.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366.D.

HISTORICAL NOTE: Adopted by the Department of Labor, Plumbing Board, 1968, amended and promulgated by the Department of Employment and Training, Plumbing Board, LR 17:49 (January 1991), amended by the Department of Labor, Plumbing Board, LR 21:1348 (December 1995), LR 26:329 (February 2000), amended Workforce Commission, Plumbing Board, LR 42:

### **§301. Licenses Required**

- A. - K. ...
- L. Repealed.
- M. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366.D.

HISTORICAL NOTE: Adopted by the Department of Labor, Plumbing Board, 1968, amended and promulgated by the Department of Employment and Training, Plumbing Board, LR 17:49 (January 1991), amended by the Department of Labor, Plumbing Board LR 19:897 (July 1993), LR 19:1593 (December 1993), LR 21:1348 (December 1995), LR 25:1857 (October 1999), amended Workforce Commission, Plumbing Board, LR 42:

### **§303. Application for License**

- A. - D. ...

E. An application for a Water Supply Protection Specialist endorsement to a master or journeyman plumber license shall be completed and sworn to before a notary public by the applicant. The applicant must submit proof that he is licensed by the board at the time of application as a master or journeyman plumber. The applicant must submit proof that he has completed a course of training described in §310.C of these regulations. He must furnish whatever other information relevant to his experience that is requested in the application form or specifically requested by the board.

- F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366.D.

HISTORICAL NOTE: Adopted by the Department of Labor, Plumbing Board, 1968, amended and promulgated by the Department of Employment and Training, Plumbing Board, LR 17:50 (January 1991), amended by the Department of Labor, Plumbing Board, LR 21:1348 (December 1995), LR 26:329 (February 2000), amended Workforce Commission, Plumbing Board, LR 42:

### **§304. Medical Gas Piping Installer License**

- A. - B. ...

1. The program is open to those members of the public that meet the requirements of American Society of Sanitary Engineering International (ASSE) Professional Qualifications Standard for Medical Gas Systems Personnel Series 6000, Standard 6010, latest edition.

2. The program meets criteria prescribed by the board and compliant with the guidelines of the ASSE International Series 6000, Standard 6010, latest edition.

- a. - q. Repealed.

- 3. ...

4. The program must be conducted at a facility capable of housing brazing qualification procedures administered to trainees in accordance with either Section

IX, "Welding and Brazing Qualifications" of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Code or AWS B2.2, Standard for Brazing Procedure and Performance Qualification, as modified by National Fire Protection Association (NFPA) NFPA 99 Health Care Facilities Code, latest edition. Such brazing training must be performed and qualified on 1½-inch nominal type "L" copper tubing in compliance with Section IX of the ASME Boiler and Pressure Vessel Code, latest edition, NFPA 99, Health Care Facilities Code, latest edition and ASSE International Series 6000, Standard 6010, latest edition.

5. Courses of instruction defined in §304.B must be provided by a person or persons possessing a current Medical Gas System Instructor Certification compliant with the guidelines of ASSE International Series 6000, Standard 6050, latest edition.

- C. - E. ...

F. A medical gas piping installer license application must be submitted to the office of the State Plumbing Board of Louisiana not less than 30 days before any scheduled examination. Failure to report for the examination will result in the forfeiture of the applicant's fee. This forfeiture may be reversed by the board upon a showing of good cause by the applicant explaining his failure to attend the scheduled examination.

- G. ...

H. The board may accept, in lieu of an examination directly administered by the board to any applicant, the verifiable results of an examination administered by an organization meeting the criteria of ASSE Series 6000, Standard 6010 §10-3.2.3, latest edition and certified pursuant to R.S. 37:1368.G as evidence of successful completion of the examination referred to in R.S. 37:1368.G Any papers from such examinations must be available for inspection and the board may require notarized affidavits from the applicant and the administering organization representative attesting to the accuracy of the examination results and the scope of any such examination, which must minimally include the subject areas of the practical examination described in §304.B.4 of the regulations.

- I. ...

J. A medical gas piping installer shall, as a condition of licensing under these regulations, maintain his brazer performance qualification in accordance with NFPA 99 Health Care Facilities Code, latest edition.

- K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366.D and R.S. 37:1368.G.

HISTORICAL NOTE: Promulgated by the Department of Labor, State Plumbing Board, LR 21:1349 (December 1995), amended LR 25:1858 (October 1999), amended Workforce Commission, Plumbing Board, LR 42:

### **§305. Requirements to Take Exam for Journeyman Plumber's License**

- A.1. - 3. ...

4. He shall submit his application and required documents to the office of the State Plumbing Board of Louisiana not less than 30 days before any scheduled examination. The board shall inform all interested persons of the examination schedule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366.A and D.

HISTORICAL NOTE: Adopted by the Department of Labor, Plumbing Board, 1968, amended and promulgated LR 14:440 (July 1988), amended LR 15:1088 (December 1989), amended and repromulgated by the Department of Employment and Training, Plumbing Board, LR 17:51 (January 1991), amended by the Department of Labor, Plumbing Board, LR 24:1948 (October 1998), LR 25:1857 (October 1999), amended Workforce Commission, Plumbing Board, LR 42:

**§306. Requirements to take Exam for Master Plumber License**

A.1. - 4. ...

5. He shall submit his application and required documents to the office of the State Plumbing Board of Louisiana not less than 30 days before any scheduled examination. The board shall inform all interested persons of the examination schedule.

A.6. - G. ...

AUTHORITY NOTE: Adopted in accordance with R.S. 37:1377 and R.S. 37:1366.

HISTORICAL NOTE: Adopted by the Department of Labor, state Plumbing Board, 1968, amended and promulgated by the Department of Employment and Training, State Plumbing Board, LR 17:52 (January 1991), amended by the Department of Labor, Plumbing Board, LR 25:1858 (October 1999), amended Workforce Commission, Plumbing Board, LR 42:

**§307. Renewals**

A. - D. ...

E. To be considered timely filed, any renewal application under §307 must actually be received at the office of the State Plumbing Board of Louisiana within the time specified for filing or be sent to that office by first-class mail, postage prepaid, and bearing a postmark showing that the application was mailed on or before the last day for filing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366.D.

HISTORICAL NOTE: Adopted by the Department of Labor, Plumbing Board, 1968, promulgated LR 2:419 (December 1976), amended LR 7:588 (November 1981), amended by Department of Employment and Training, Plumbing Board, LR 17:52 (January 1991), LR 18:30 (January 1992), amended by the Department of Labor, Plumbing Board, LR 21:1350 (December 1995), LR 26:329 (February 2000), amended Workforce Commission, Plumbing Board, LR 42:

**§310. Water Supply Protection Specialist Endorsement**

A. - B. ...

C. As authorized by R.S. 37:1368.H, the board shall recognize and certify certain programs of education and training of water supply protection offered by private or public organizations or institutions compliant with ASSE International, Cross-Connection Control Professional Qualifications Standard ASSE Series 5000. A journeyman or master plumber licensed by this board who successfully completes any such program shall qualify for admission to an examination offered under §310.A of these regulations. Any such organization must satisfy the board that its program or programs includes training and testing as specified in the ASSE Series 5000, Standard 5110, Professional Qualifications for Backflow Prevention Assembly Testers.

1. - 15. Repealed.

D. Courses of instruction defined in §310.C must be provided by a person or persons meeting the credentials and requirements of ASSE Series 5000, Standard 5110, Professional Qualifications Standard for Backflow

Prevention Assembly Testers and ASSE International Guidelines for Cross-Connection Control Certification.

E. - H. ...

I. A water supply protection specialist endorsement application must be submitted to the office of the State Plumbing Board of Louisiana not less than 30 days before any scheduled examination.

J. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366.D and R.S. 37:1368.H.

HISTORICAL NOTE: Promulgated by the Department of Labor, Plumbing Board, LR 21:1350 (December 1995), amended by the Department of Labor, Plumbing Board, LR 25:1859 (October 1999), amended Workforce Commission, Plumbing Board, LR 42:

**§312. Medical Gas and Vacuum Systems Verifier**

A. - B. ...

1. The program is conducted at a training facility and given to those persons that meet the requirements of American Society of Sanitary Engineering (ASSE) Professional Qualifications Standard for Medical Gas Systems Personnel Series 6000, Standard 6030, latest edition.

2. The program meets criteria prescribed by the board and American Society of Sanitary Engineering (ASSE), Series 6000, Standard 6030, latest edition.

a. - k. Repealed.

3. Courses of instruction defined in §312.B must be provided by a person or persons possessing a current Medical Gas System Instructor Certification in compliance with ASSE Series 6000, Standard 6050, latest edition.

C. - D. ...

E. The board may accept, in lieu of an examination directly administered by the board to any applicant, the verifiable results of an examination administered by an organization meeting the criteria of ASSE Series 6000, Standard 6030, §30-3.2.3, latest edition and certified pursuant to R.S. 37:1368.I, as evidence of successful completion of the examination necessary for the issuance of a license for medical gas and vacuum systems verifier. Any papers from such examinations must be available for inspection and the board may require notarized affidavits from the applicant and the administering organization representative attesting to the accuracy of the examination results and the scope of any such examination, which must minimally include the subject areas described in ASSE Series 6000, Standard 6030, latest edition.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366.D.

HISTORICAL NOTE: Promulgated by the Department of Labor, Plumbing Board, LR 26:329 (February 2000), amended Workforce Commission, Plumbing Board, LR 42:

**§313. Standards for Medical Gas and Vacuum Systems Verifier**

A. - C.2. ...

3. documentation of each board-licensed medical gas piping installer's braze performance qualification in accordance with NFPA 99, Health Care Facilities Code latest edition;

4 - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1336.D.

HISTORICAL NOTE: Promulgated by the Department of Labor, Plumbing Board, LR 26:330 (February 2000), amended Workforce Commission, Plumbing Board, LR 42:

**§1005. Medical Gas Piping Installers and Medical Gas Verifiers**

A. CPE Requirement

1. Effective January 1, 2016, in addition to the yearly renewal of their license, all persons seeking to renew a medical gas piping installer or medical gas verifier license issued by the Louisiana State Plumbing Board are required to show proof of attendance at a board-approved industry related recertification program, every NFPA 99 code cycle, compliant with the guidelines of the American Society of Sanitary Engineering International (ASSE) Professional Qualification Standards Series 6000/6010 for Medical Gas Systems Installers or 6030 for Medical Gas Systems Verifiers or its equivalent as defined in §304 and §312. Such

recertification shall satisfy the endorsee's obligation to maintain continuing professional education relative to the Medical Gas Systems Installer and Medical Gas Systems Verifier, but shall not diminish or affect licensee's obligation to fulfill continuing professional education requirements for journeyman or master plumbing licenses or water supply protection specialist endorsement, if applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366(I).

HISTORICAL NOTE: Promulgated by the Department of Labor, State Plumbing Board, LR 30:2074 (September 2004), amended LR 37:905 (March 2011), LR 37:2441 (August 2011), amended Workforce Commission, Plumbing Board, LR 42:

John Barker  
Executive Director

1601#037

# Rules

## RULE

### Department of Culture, Recreation and Tourism Office of Tourism

Welcome Centers (LAC 25:V.505)

The Louisiana Department of Culture, Recreation and Tourism, Office of Tourism, in accordance with R.S. 51:1255 and the Administrative Procedure Act, R.S. 49:950 et seq., has amended LAC 25:V:505 to increase and streamline the standard fees for the reserved exclusive use of welcome centers.

#### Title 25 CULTURAL RESOURCES Part V. Office of Tourism

#### Chapter 5. Welcome Centers

#### §505. Standard Fees

A. Standard fees for reserved exclusive use of the Capitol Park Welcome Center shall be assessed as follows.

Space	Capacity	Full Day Rate (3 hours or more)	Half Day Rate (less than 3 hours)	Evening (after 5:00 pm) and Weekend Rate
Entire Building and Patio	350 seated; 600 reception	\$1000	\$600	\$1900.00 (3 hour minimum) \$500.00/ additional hour
Margaret Taylor Theater includes Audio/Visual Capabilities	100 seated (lecture) 80 seated (classroom) 200 reception	\$500	\$300	Unavailable separately for evening or weekend use.
Fishbowl "Glass Room" (no audio/visual)	65 seated (lecture)	\$300	\$200	Unavailable separately for evening or weekend use.

B. - B.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1255.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 36:50 (January 2010), amended LR 42:35 (January 2016).

Kyle Edmiston  
Assistant Secretary

1601#016

## RULE

### Department of Economic Development Office of Business Development

Angel Investor Tax Credit (LAC 13:I.3307 and 3309)

Under the authority of R.S. 47:6020 and R.S. 36:104, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Economic Development has amended and reenacted LAC 13:I.3307 and adopted Section 3309 relative to the administration of the Angel Investor Tax Credit Program. The regulation aligns the rules with 2015 legislative changes and addresses the proof of investment period.

#### Title 13

#### ECONOMIC DEVELOPMENT

#### Part I. Financial Incentive Programs

#### Chapter 33. Angel Investor Tax Credit

#### §3307. The Amount, Allocation and Limitations of the Angel Investor Tax Credits

A. The following rules shall be applicable to investments by accredited investors in Louisiana entrepreneurial businesses.

1. For calendar year 2011, the department will begin accepting applications on September 1 and for all other calendar years, the department will begin accepting applications on January 1. The allocation of credits for all years will be administered on a first come, first serve basis until the annual \$5 million cap has been reached. However, on the day that the cap is reached, all applications received that day will be treated as received at the same time and the credits remaining for allocation that day will be prorated.

a. Upon receipt of an application for the reservation of credits, the department will send the business a reservation letter indicating the dollar amount of credits which their investors are entitled to receive if proof of investment can be shown.

b. Each business applicant will have to decide on their application if they are willing to accept a prorated credit amount should their application be received on the day the cap is reached. The business will also have to determine what percentage of proration they will accept. If the business does not indicate in their application a willingness to accept a prorated credit amount at the percentage of proration available on the day the cap is reached, their application will be deemed to have been received the day following the day in which the cap was reached.

c. Proof of investment must be provided to the department within 120 days from the date of the reservation letter. The department will accept the subscription agreement as required by the Securities and Exchange Commission as proof of investment.

d. If proof of investment is made within the requisite 120 day period, the department will issue a tax credit certification letter to the investor.

i. The tax credit certification letter will include the investor's name, address, Louisiana taxpayer identification number and the amount of the credit. The tax credit certification letter will include a breakdown of which years and in what amounts per year the credit will be claimed.

ii. The Louisiana Department of Revenue will receive a copy of the tax credit certification letter for purposes of verification of the credits.

e. If proof of investment is not provided to the Department within the requisite 120 day period, the angel investor tax credits which had been reserved for that company's investors will be added to the remaining available annual credit cap.

f.i. Any returned reservation credits whose businesses could not provide proof of investment within 120 days, will be allocated when available on a first come, first serve basis until the annual \$5 million cap has been reached. However, on the day that the cap is reached, all applications received that day will be treated as received at the same time and the credits remaining for allocation that day will be prorated. Returned reservation credits will be made available the sooner of:

(a) the day returned reservation credits exceed the amount of credits requested in applications in line to receive credits the next day; or

(b) the day all 120 day proof of investment periods have expired.

ii. The timeline for proof of investment will be the same 120 day period as mentioned above.

g. A business who fails to provide proof of investment within 120 days will not be allowed to apply for angel investor credits again for a three month period. The three month period will begin on the day following the end of the 120 day period for proof of investment.

B. All applications for the reservation of credits shall be made on a form prescribed by the department. All applications for the reservation of credits shall be submitted to the department electronically to an email address specified by the department on its website. An application fee shall be submitted with all applications for reservation of credits. The application fee shall be equal to 0.5 percent (0.005) times the total anticipated tax incentive for the investors with a minimum application fee of \$500 and a maximum application fee of \$15,000, payable to Louisiana Department of Economic Development.

C. An investment earns tax credits in the calendar year in which the investment is made. The request for the reservation of credits for an investment must be made in the same year in which the investment is made. In order to earn credits under this program, an investment can be made no earlier than 30 days prior to the reservation of credits.

D. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6020 and R.S. 36:104.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:229 (February 2006), amended LR 32:1595 (September 2006), amended by Department of Economic Development, Office of the Secretary, LR 37:3196 (December 2011), amended by the Department of Economic Development, Office of Business Development, LR 42:35 (January 2016).

**§3309. Applicability of Act 125 of the 2015 Legislative Session to the Angel Investor Tax Credits**

A. Act 125 of the 2015 Regular Session of the Louisiana Legislature makes the following changes to the Angel Investor Tax Credits from July 1, 2015 until June 30, 2018:

1. credits shall be reserved and issued at a rate of 25.2 percent of the investment amount in the LEB and credits shall be issued at the reserved rate regardless of the date of issuance;

2. the total amount of credits that may be reserved and issued in a calendar year is \$3.6 million, exclusive of any un-granted credits carried forward from previous years; and

3. an investor may be issued credits on investments up to \$720,000 per business per year and up to \$1.44 million total per business.

B. The provisions of this section shall supercede any contradictory provisions under this Chapter between July 1, 2015 and June 30, 2018.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6020 and R.S. 36:104.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:229 (December 2015), amended by the Department of Economic Development, Office of Business Development, LR 42:36 (January 2016).

Anne G. Villa  
Undersecretary

1601#051

**RULE**

**Department of Economic Development  
Office of Business Development  
Office of Entertainment Industry Development**

Louisiana Digital Media and Software Act  
(LAC 61:I.1667)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Economic Development has amended the rules for the Louisiana Digital Media and Software Tax Credit Program to bring the rules into compliance with current statutory provisions and administrative practices.

**Title 61**

**REVENUE AND TAXATION**

**Part I. Taxes Collected and Administered by the  
Secretary of Revenue**

**Chapter 16. Louisiana Entertainment Industry Tax  
Credit Programs**

**Subchapter D. Louisiana Digital Media and Software Act  
§1667. Certification Procedures**

A. Application

1. - 1.d. ...

2. An application fee in the amount equal to 0.5 percent of the total estimated tax credits with a minimum fee

of \$500 and a maximum fee of \$15,000 shall be submitted with each application.

3. Expenditure Verification Report Fee. Upon project completion, or no more than once annually, the department shall directly engage and assign a CPA to prepare an expenditure verification report on an applicant's cost report of production or project expenditures. Applicants shall submit an advance deposit at the time of application, or for projects with on-going approved activity, may submit a request for a supplemental annual verification report and submit a corresponding supplemental advance deposit, and shall later be assessed the department's actual cost based upon an hourly rate not to exceed \$250, in the amounts set forth below:

a. for applicants with project expenditures less than \$1,000,000, an advance deposit of \$7,500, with a maximum fee of \$15,000;

b. for applicants with project expenditures greater than \$1,000,000, an advance deposit of \$15,000, with a maximum fee of \$25,000;

c. any unused balance shall be refunded to the applicant within 60 days following receipt of CPA's final invoice and payment of all CPA costs.

B. - B.3.b.ii.(d). ...

c. For applications for state-certified productions submitted to the office on or after July 11, 2011 but before July 1, 2015, and subsequently approved by the office and the secretary, tax credits shall be earned by an approved digital media company as follows.

i. Expenditures made after July 1, 2009 shall earn tax credits at the rate of 25 percent of the base investment.

(a). To the extent that base investment is expended on payroll for Louisiana residents employed in connection with a state-certified production, a company shall earn additional tax credits at the rate of 10 percent of payroll.

(b). The initial certification shall be effective for expenditures made no more than six months prior to the date of initial certification and shall be valid until the project is completed.

(c). The production shall be considered complete when it receives its first commercial release, or other appropriate benchmark as agreed to between the parties and outlined in the initial certification.

d. For applications for state-certified productions submitted to the office on or after July 1, 2015, and subsequently approved by the office and the secretary, tax credits shall be earned by an approved digital media company at the prevailing statutory rate, currently as follows.

i. Qualifying expenditures made within the approved six-month "look back period" but prior to July 1, 2015 shall earn tax credits at the rate of 25 percent of the base investment, qualifying expenditures made after July 1, 2015 shall earn tax credits at the prevailing statutory rate, currently 18 percent of the base investment.

ii. To the extent that base investment is expended on payroll for Louisiana residents employed in connection with a state-certified production, qualifying expenditures made prior to July 1, 2015 shall earn tax credits at 10 percent of payroll, qualifying expenditures made after July 1, 2015 shall earn tax credits at the prevailing statutory rate, currently 7.2 percent of payroll.

iii. The initial certification shall be deemed effective from date of application and shall be valid for qualifying

expenditures and activities as outlined between the parties in the initial certification letter.

C. - D.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6022 and R.S. 36:104.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 35:633 (April 2009), amended LR 36:1983 (September 2010), LR 39:1011 (April 2013), LR 42:36 (January 2016).

Anne G. Villa  
Undersecretary

1601#047

## RULE

### Department of Economic Development Office of Business Development Office of Entertainment Industry Development

#### Louisiana Sound Recording Investor Tax Credit Program (LAC 61:I.Chapter 16)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Economic Development has amended the rules for the Louisiana Sound Recording Investor Tax Credit Program to bring the rules into compliance with current statutory provisions and administrative practices.

#### Title 61

#### REVENUE AND TAXATION

#### Part I. Taxes Collected and Administered by the Secretary of Revenue

#### Chapter 16. Louisiana Entertainment Industry Tax Credit Programs

#### Subchapter C. Louisiana Sound Recording Investor Tax Credit Program

#### §1633. Definitions

A. The following terms shall have the meanings provided herein, unless the context clearly indicates otherwise.

\* \* \*

*Production Expenses*—production expenditures in the state directly relating to and proportionate with work performed in Louisiana on a state-certified production. In qualifying submitted expenditures as production-related costs LED may determine whether such expenditures represent legitimate expenditures for the actual cost of related goods or services, having economic substance and a business purpose related to the certified production and not constructive dividends, self-dealing, inflated prices or similar transactions entered into for the purpose of inflating the amount of tax credits earned rather than for the benefit of the production. See §1641 for illustrative examples of expenditures commonly associated with sound recording production projects.

*Related Party Transaction*—a transaction between parties deemed to be related by common ownership or control under generally accepted auditing principles.

*Resident*—a person domiciled in the state. Proof of domicile may include, but not be limited to, a driver's license issued by the state of Louisiana, or similar evidence which reasonably establish both identity and residency.

\* \* \*

*Series*—a series of sound recordings occurring over a 12-month period may be considered for qualification. Illustrative examples of a permissible series include recordings made by a single artist or a singularly titled radio broadcast series. When determining eligibility the department shall consider common attributes, business purpose of the transactions and any other relevant factors. Combining multiple productions or recordings solely to achieve minimum spending requirements is not permitted.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6023.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Department of Revenue, LR 34:1347 (July 2008), amended by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 36:304 (February 2010), LR 42:37 (January 2016).

### **§1635. Rules of Application**

A. The sound recording investor tax credit authorized by R.S. 47:6023(C) may be earned and claimed as follows.

1. There is authorized a credit against the state income tax for investments made in state-certified productions and state-certified sound recording infrastructure projects, which credit will be earned by investors at the time expenditures are certified by the Louisiana Department of Economic Development according to the total base investment certified for the sound recording production company per calendar year. No credit shall be allowed for any expenditures for which a credit was granted under R.S. 47:6007.

2. Applicants meeting the following criteria shall be eligible to receive tax credits as follows:

a. for state-certified productions initially certified prior to July 1, 2015:

i. 25 percent tax credit, if the total base investment is more than \$15,000, or if a resident of this state, if the total base investment is more than \$5,000;

b. for state-certified productions initially certified on and after July 1, 2015:

i. 18 percent tax credit, if the total base investment is more than \$15,000, or if a resident of this state, if the total base investment is more than \$5,000.

3. - 6. ...

7. Application Fee. Applicants with project expenditures greater than \$15,000 shall submit a \$250 fee with each application. LED shall waive the application fee for applicants with project expenditures up to \$15,000.

8. Expenditure Verification Report Fee. The department shall directly engage and assign a CPA to prepare an expenditure verification report on an applicant's cost report of production or project expenditures. Applicants shall submit an advance deposit at the time of application, and shall later be assessed the department's actual cost based upon an hourly rate not to exceed \$250, in the amounts set forth below:

a. for applicants with project expenditures greater than \$5,000 but less than \$50,000, an advance deposit of \$2,500, with a maximum fee of \$5,000;

b. for applicants with project expenditures greater than \$50,000, an advance deposit of \$5,000, with a maximum fee of \$15,000;

c. any unused balance shall be refunded to the applicant within 60 days following receipt of CPA's final invoice and payment of all CPA costs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6023 and R.S. 36:104.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, and the Department of Revenue, LR 34:1348 (July 2008), amended by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 36:305 (February 2010), LR 42:38 (January 2016).

### **§1637. Certification**

A. Initial Certification of State-Certified Productions

1. - 3.b. ...

\* \* \*

4. The initial certification shall be effective for expenditures made no more than 12 months prior to the date of application and shall be valid until the project is complete.

B. Final Certification of Sound Recording Investor Tax Credits

1. Upon project completion, the applicant shall make a request to LED to proceed to final certification by submitting to the department a cost report of production expenditures to be formatted in accordance with instructions of the department. The applicant shall make all records related to the cost report available for inspection by the department and the CPA selected by the department to prepare the expenditure verification report. After review and investigation of the cost report, the CPA shall submit to the department an expenditure verification report. The department shall review such expenditures and shall issue a tax credit certification letter to the investors and the Louisiana Department of Revenue indicating the amount of tax credits certified for the state-certified production or state-certified infrastructure project.

1.a - 3. ...

4. Once certification of a project has been granted under the criteria established within this provision and pursuant to R.S. 47:6023, the granting of such credit will be based upon a first come, first serve basis of the approved cost report or audit and shall be set for a maximum aggregate amount not to exceed \$2,160,000 during any calendar year. For purposes of this Section the applicant will be considered the investor.

5. - 6.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6023.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, and the Department of Revenue, LR 34:1348 (July 2008), amended by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 36:305 (February 2010), LR 37:310 (January 2011), LR 42:38 (January 2016).

### **§1641. Illustrative examples of Production Expenses**

A. Eligible. Eligible production expenditures shall include, but not be limited to, studio rental, musician/performance fees, travel and airfare if booked through a Louisiana travel agent, producer fees within limitation, legal fees within limitation, music copying fees, orchestration fees, music publishing/clearance fees, and fees for mixing and mastering only on recordings originally made in Louisiana.

B. Ineligible. Ineligible costs include, but are not limited to, CD duplication, costs for marketing and distribution and any costs associated with filming/video.

C. Limitations for Certain Transactions

1. Related Party Transactions. LED may request and use additional information in determining the extent to which expenditures for related party transactions will be certified, by requesting and obtaining documentation including, but not limited to, third-party contracts, notarized affidavits, tax records, W2's, 1099's and cancelled checks. Related party transactions may be referred to the Office of the Inspector General for further review.

2. Producer fees may be limited to no more than 20 percent of base investment.

3. Legal fees shall be limited to no more than 10 percent of base investment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6023.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 42:38 (January 2016).

Anne G. Villa  
Undersecretary

1601#050

**RULE**

**Department of Economic Development  
Office of Business Development  
Office of Entertainment Industry Development**

**Motion Picture Investor Tax Credit Program  
(LAC 61:I.Chapter 16)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Economic Development has amended the rules for the Motion Picture Investor Tax Credit Program to bring the rules into compliance with current statutory provisions and administrative practices.

**Title 61**

**REVENUE AND TAXATION**

**Part I. Taxes Collected and Administered by the  
Secretary of Revenue**

**Chapter 16. Louisiana Entertainment Industry Tax  
Credit Programs**

**Subchapter A. Motion Picture Investor Tax Credit  
Program**

**§1607. Certification Procedures**

A. Application and Expenditure Verification Report Fees

1. An application for initial certification shall be submitted with an application fee of 0.5 percent of the estimated total tax credits, with a minimum fee of \$500, and a maximum fee of \$15,000, payable to the office, as required by R.S. 36:104.

a. - b.ii.(j). ...

c. Expenditure Verification Report Fee. The department shall directly engage and assign a CPA to prepare an expenditure verification report on an applicant's cost report of production or project expenditures. Applicants shall submit an advance deposit at the time of application, and shall later be assessed the department's actual cost based

upon an hourly rate not to exceed \$250, in the amounts set forth below:

i. for applicants with project expenditures greater than \$50,000 but less than \$300,000, an advance deposit of \$5,000, with a maximum fee of \$10,000;

ii. for applicants with project expenditures greater than \$300,000 but less than \$25,000,000, an advance deposit of \$7,500, with a maximum fee of \$15,000;

iii. for applicants with project expenditures greater than \$25,000,000, an advance deposit of \$15,000, with a maximum fee of \$25,000;

iv. if CPA actual costs exceed the advance deposit, the applicant will be billed and LED will not issue any pending final certification letter until receipt of any outstanding balance. Any unused balance shall be refunded to the applicant within 60 days following receipt of CPA's final invoice and payment of all CPA costs;

v. if at the time of application for initial certification, the department is notified that post-production activities will take place in Louisiana, and subsequently such activities are performed in Louisiana, a supplemental request for certification of expenditures directly relating to such post-production activity may be submitted. An advance deposit fee of \$7,500 shall be due at time of request for a supplemental verification report, and applicant will again be liable for the actual costs subject to the conditions set forth above.

B. - E.2.e. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007 and R.S. 36:104.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development and the Office of the Governor, Division of Administration, LR 36:55 (January 2010), amended by the Department of Economic Development, Office of the Secretary, Office of Business Development and the Louisiana Economic Development Corporation, LR 37:514 (February 2011), amended by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 42:39 (January 2016).

**Subchapter B. Louisiana Filmmakers Grant Fund  
Program**

**§1615. Preamble and Purpose**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and Office of Entertainment Industry Development, LR 37:515 (February 2011), repealed by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 42:39 (January 2016).

**§1616. Definitions**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and Office of Entertainment Industry Development, LR 37:515 (February 2011), repealed by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 42:39 (January 2016).

**§1617. General Principles**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and Office of Entertainment Industry Development, LR 37:516 (February 2011), repealed by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 42:39 (January 2016).

#### **§1619. Program Descriptions**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and Office of Entertainment Industry Development, LR 37:516 (February 2011), repealed by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 42:40 (January 2016).

#### **§1621. Eligibility**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and Office of Entertainment Industry Development, LR 37:516 (February 2011), repealed by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 42:40 (January 2016).

#### **§1623. Criteria**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and Office of Entertainment Industry Development, LR 37:516 (February 2011), repealed by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 42:40 (January 2016).

#### **§1625. Application Procedure**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and Office of Entertainment Industry Development, LR 37:516 (February 2011), repealed by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 42:40 (January 2016).

#### **§1627. Submission and Review Procedure**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and Office of Entertainment Industry Development, LR 37:516 (February 2011), repealed by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 42:40 (January 2016).

#### **§1629. General Award Provisions**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and Office of Entertainment Industry Development, LR 37:517 (February 2011), repealed by the Department of Economic

Development, Office of Business Development, Office of Entertainment Industry Development, LR 42:40 (January 2016).

Anne G. Villa  
Undersecretary

1601#049

### **RULE**

#### **Department of Economic Development Office of Business Development Office of Entertainment Industry Development**

#### **Musical and Theatrical Production Income Tax Credit Program (LAC 61:I.1693, 1695, 1701, and 1703)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Economic Development has amended the rules for the Musical and Theatrical Production Income Tax Credit Program to bring the rules into compliance with current statutory provisions and administrative practices.

#### **Title 61**

#### **REVENUE AND TAXATION**

#### **Part I. Taxes Collected and Administered by the Secretary of Revenue**

#### **Chapter 16. Louisiana Entertainment Industry Tax Credit Programs**

#### **Subchapter E. Musical and Theatrical Production Income Tax Credit Program**

#### **§1693. Certification Procedures**

##### **A. Application and Expenditure Verification Report Fees**

1. An application for a state-certified production or a state-certified infrastructure project shall be submitted to the department, including:

a. all information required by R.S. 47:6034(E)(2)(a);

b. an application fee of 0.5 percent of the estimated total tax credits, with a minimum fee of \$500, and a maximum fee of \$15,000; and

c. the applicant shall provide additional information upon request.

2. Each application shall identify only one production or infrastructure project and only one contact person for such production or project.

3. Expenditure Verification Report Fee. The department shall directly engage and assign a CPA to prepare an expenditure verification report on an applicant's cost report of production or project expenditures. For projects in excess of \$50,000, the fees shall be as follows:

a. at the time of application, the applicant shall submit an advance deposit of \$5,000;

b. prior to final certification of any tax credits, the applicant shall be assessed the department's actual cost for the CPA's expenditure report. The maximum fee shall be \$15,000.

##### **B. - E.1.c. ...**

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6034(E).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 35:2175 (October

2009), repromulgated LR 36:2238 (October 2010), amended LR 39:1016 (April 2013), LR 42:40 (January 2016).

**§1695. Additional Program Procedures—State-Certified Musical or Theatrical Production—Receiving Initial Certification prior to July 1, 2015**

A. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6034(E).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 35:2175 (October 2009), repromulgated LR 36:2239 (October 2010), amended LR 39:1017 (April 2013), repromulgated LR 42:41 (January 2016).

**§1701. Additional Program Procedures—State-Certified Musical or Theatrical Production—Receiving Initial Certification on or after July 1, 2015**

A. State-certified musical or theatrical productions receiving initial certification on or after July 1, 2015 shall be eligible for the following types of tax credits at the prevailing statutory rates, currently as follows.

1. Base Investment Credit

a. If the total base investment is more than \$100,000, but less than \$300,000 dollars, a tax credit of 7.2 percent applies.

b. If the total base investment is more than \$300,000, but less than \$1,000,000, a tax credit of 14.4 percent applies.

c. If the total base investment is more than \$1,000,000, a tax credit of 18 percent applies.

2. Louisiana Resident Payroll Credit. To the extent that base investment is expended on payroll for Louisiana residents, an additional tax credit of 7.2 percent applies.

3. Louisiana Student Credit. To the extent that base investment is expended to employ students enrolled in Louisiana colleges, an additional tax credit of 0.072 percent applies.

B. Louisiana Resident Payroll Cap. To the extent that base investment is expended on payroll for Louisiana residents, the additional payroll credit shall exclude any payroll amounts paid to one person exceeding \$1,000,000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6034(E).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 42:41 (January 2016).

**§1703. Additional Program Procedures—State-Certified Higher-Education Musical or Theatrical Infrastructure Projects—Receiving Initial Certification on or after July 1, 2015**

A. State-certified higher education musical or theatrical infrastructure projects receiving initial certification on or after July 1, 2015 shall be eligible for the following types of tax credits at the prevailing statutory rates, currently as follows:

1. base investment credit—qualifying expenditures made in Louisiana, on or before January 1, 2022, for the

construction, repair or renovation of a state-certified higher education infrastructure project:

a. if the total base investment is more than \$100,000, but less than \$300,000 dollars, a tax credit of 7.2 percent applies;

b. if the total base investment is more than \$300,000, but less than \$1,000,000, a tax credit of 14.4 percent applies;

c. if the total base investment is more than \$1,000,000, a tax credit of 18 percent applies;

2. Louisiana resident payroll credit:

a. to the extent that base investment is expended on payroll for Louisiana residents, an additional tax credit of 7.2 percent applies;

b. \$1,000,000 salary cap. However, the additional payroll credit shall exclude any payroll amounts paid to one person exceeding \$1,000,000;

3. Louisiana student credit:

a. to the extent that base investment is expended to employ students enrolled in Louisiana colleges, an additional tax credit of 0.072 percent applies.

B. Program and Project Caps. No more than \$7.2 million in credits per project or \$43,200,000 in total program credits shall be granted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6034(E).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 42:41 (January 2016).

Anne G. Villa  
Undersecretary

1601#048

**RULE**

**Department of Economic Development  
Office of the Secretary**

**Research and Development Tax Credit Program  
(LAC 13:I.2904, 2905 and 2915)**

Under the authority of R.S. 47:6015 and R.S. 36:104, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Economic Development has amended LAC 13:I.2904, 2905 and 2915 relative to the administration of the research and development tax credit program.

The purpose of this regulation is to adopt legislative changes to the research and development tax credit program under R.S. 47:6015 as enacted by Acts 133, 361, and 412 of the 2015 Regular Session of the Legislature. The regulation amends the application fee amount, changes the credit from a refundable credit to a nonrefundable credit with a five-year carry forward period and also clarifies LED will select and engage the CPA for any expense verification reports required of an applicant in the research and development tax credit program.

**Title 13  
ECONOMIC DEVELOPMENT**

**Part I. Financial Incentive Programs**

**Chapter 29. Research and Development Tax Credit**

**§2904. Type, Amount and Duration of Credit**

A. Type. Any taxpayer meeting the following criteria shall be allowed a tax credit to be applied against income and corporation franchise taxes due:

A.1. - C. ....

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6015.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 36:1768 (August 2010), amended by the Office of the Secretary, LR 38:351 (February 2012), amended by the Office of Business Development, LR 40:50 (January 2014), LR 40:1526 (August 2014), amended by the Office of the Secretary, LR 42:42 (January 2016).

**§2905. Certification of Amount of Credit**

A. Prior to claiming a research and development tax credit on any tax return or selling any research and development tax credit, a person must apply for and obtain a credit certification from LED.

B. The application for a credit certification shall be submitted on a form provided by the LED and shall include, but not be limited to the following information:

1. an application fee equal to 0.5% of the amount of the tax credits applied for, with a minimum of \$500 and a maximum of \$15,000, payable to Louisiana Department of Economic Development;

2. appropriate supporting documentation:

a. for taxpayers employing 50 or more residents, a federal income tax return and evidence of the amount of federal research credit for the same taxable year;

b. for taxpayers employing up to 50 residents:

i. either:

(a). a federal income tax return and evidence of the amount of federal research credit for the same taxable year; or

(b). a request that LED enter into an attest engagement with a certified public accountant ("CPA") authorized to practice in Louisiana or a tax attorney who is selected by LED for a report which focuses on verification of the applicant's expenditures and claimed qualified research activities as well as pay the deposit for such report in accordance with R.S. 36:104.1 and 47:6015; and

ii. evidence of the amount of qualified research expenses for the same taxable year;

B.2.c. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6015.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development Services, Business Resources Division, LR 30:977 (May 2004), amended by the Office of Business Development, LR 36:1768 (August 2010), LR 38:351 (February 2012), LR 40:51 (January 2014), LR 40:1526 (August 2014), amended by the Office of the Secretary, LR 42:42 (January 2016).

**§2915. Agreed Upon Accounting Procedures**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6015.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR

40:52 (January 2014), amended LR 40:1527 (August 2014), repealed by the Office of the Secretary, LR 42:42 (January 2016).

Anne G. Villa  
Undersecretary

1601#052

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 139—Louisiana Child Care and  
Development Fund Programs  
(LAC 28:CLXV.103, Chapter 5, and 903)

The Board of Elementary and Secondary Education (BESE), in accordance with R.S. 49:953, the Administrative Procedure Act, has amended LAC 28:CLXV, *Bulletin 139—Louisiana Child Care and Development Fund Programs*: §103, Definitions; §501, Certification of Household Eligibility for Participation in CCAP; §503, Children Eligible for CCAP; §505, Households Categorically Eligible for CCAP; §507, Certification Requirements for Categorically Eligible Households; §509, Certification Requirements for Non-Categorically Eligible Households; §511, Household Certification Period; §513, Prioritization of Funding; §515, Payments Made on Behalf of Households; §517, CCAP Household Reporting Requirements; §519, Termination or Refusal of Renewal of Household Certification and Ineligibility Periods for Households; §521, Recovery of Payments Made on Behalf of Ineligible Households; and §903, Participation in LA Pathways. As part of the child care and development fund (CCDF) transition, per by Act 868 (2014), BESE approved the establishment of Bulletin 139 at the March 2015 meeting and also approved revisions to the policy at the April 2015 meeting. The revisions increase eligibility to at least one year, increase subsidy rates, and reduce copays.

**Title 28**

**EDUCATION**

**Part CLXV. Bulletin 139—Louisiana Child Care and  
Development Fund Programs**

**Chapter 1. Child Care Assistance Program**

**§103. Definitions**

\* \* \*

*CCAP Household*—a household certified by the department as eligible for participation in CCAP.

\* \* \*

*Head of Household*—an individual with whom the child customarily resides more than half the time. The head of household is either the child's parent or an adult household member with primary responsibility for the child's financial support and care, if the parent is not living in the home or is living in the home but is under age 18 and not emancipated by law, or is disabled and is unable to care for himself and his child(ren).

\* \* \*

*Household*—a group of individuals living together that consists of a head of household, that person's legal spouse or non-legal spouse, disabled adult parents who are unable to care for themselves or their child(ren) who are in need of child care, and all children under the age of 18 who are dependent on the head of household or spouse, including the

minor unmarried parents (MUPs) who are not legally emancipated, and children of MUPs.

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AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2109 (October 2015), amended LR 42:42 (January 2016).

## **Chapter 5. CCAP Household Eligibility**

### **§501. Certification of Household Eligibility for**

#### **Participation in CCAP**

A. The household in which a child in need of child care resides must be certified by the department as eligible for participation in the Child Care Assistance Program (CCAP) in order to have CCAP payments made to a child care provider for the care of the child. No CCAP payments may be made for care of the child until the household in which the child resides is certified by the department.

B. To be certified as a CCAP household, a household must meet all eligibility requirements set forth in this Chapter.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99 and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2114 (October 2015), amended LR 42:43 (January 2016).

### **§503. Children Eligible for CCAP**

A. A child is eligible for CCAP if the child:

1. is in need of child care;
2. is under age 13, or is age 13-17 and physically or mentally incapable of caring for himself or herself, as verified by a physician or certified psychologist, or by receipt of supplemental security income (SSI), or who is under court supervision;
3. customarily resides more than half the time with the person (head of household) who is applying for CCAP. A child is still considered to be residing with the head of household for up to six weeks of scheduled absences from the home or early learning center, if there are definite plans for the child to return to the home or early learning center;
4. is either a United States citizen or a qualified alien; and
5. is age-appropriately immunized according to the schedule of immunizations promulgated by DHH, Office of Public Health, or is in the process of receiving all age-appropriate immunizations, except that:

- a. no child is required to comply with this Subparagraph if the child or his or her parent submits a written statement from a physician indicating that immunizations are contraindicated for medical reasons, or if the child or his or her parent objects to the immunizations on religious grounds;
- b. verification of a child's age and immunization record may be waived for 90 days from the date the household is certified as eligible for participation in CCAP, if all members of the household meet the definition of *homeless* provided in §103, as long as all other eligibility requirements provided in this Section are met.

B. The department shall work with members of the Early Childhood Care and Education Advisory Council to develop a proposal related to the CCAP eligibility requirements and payments for children with special needs by March 2016.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:43 (January 2016).

### **§505. Households Categorically Eligible for CCAP**

A. Households are categorically eligible for CCAP if they have household members who are:

1. recipients of Family Independence Temporary Assistance Program (FITAP) who are satisfactorily participating in the Strategies to Empower People (STEP) Program;
2. children in foster care; or
3. experiencing homelessness.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2115 (October 2015), amended LR 42:43 (January 2016).

### **§507. Certification Requirements for Categorically Eligible Households**

A. To be certified as a CCAP household, categorically eligible households must:

1. include at least one child who is eligible for CCAP as provided in §503.A;
2. reside in Louisiana;
3. participate in the system designated by the department for capturing time and attendance, which may include finger imaging for the heads of household and household designees; and
4. be current on payment of CCAP co-payments to any current or former provider and provide documentation needed to verify that no co-payments are owed to any provider when:

- a. the household submits notice of a change in provider; and
- b. a provider reports that the household owes co-payments.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:43 (January 2016).

### **§509. Certification Requirements for Non-Categorically Eligible Households**

A. To be certified as a CCAP household, households that are not categorically eligible for participation in CCAP must meet the following requirements:

1. include at least one child who is eligible for CCAP as provided in §503.A;
2. meet all criteria provided in §507.A;
3. have household income that does not exceed 55 percent of the state median income for a household of the same size. *Household income* is defined as:

- a. the gross earnings of the head of household, that person's legal spouse or non-legal spouse, and any MUP who is not legally emancipated and whose children are in need of CCAP care, with the exception of income from:

- i. Corporation for National and Community Service (CNCS);
- ii. college work study; and
- iii. disaster-related employment;

- b. recurring unearned income of the following types for all household members:

- i. Social Security Administration benefits;
  - ii. supplemental security income;
  - iii. Veterans' Administration benefits;
  - iv. retirement benefits;
  - v. disability benefits;
  - vi. child support or alimony;
  - vii. unemployment compensation benefits;
  - viii. adoption subsidy payments; and
  - ix. workers' compensation benefits;
4. provide the information and documentation necessary for determining the household eligibility and the amount of the monthly CCAP payment to be made to the provider; and
5. training or employment activities.
- a. Unless disabled as established by receipt of Social Security Administration disability benefits, supplemental security income, Veterans' Administration disability benefits for a disability of at least 70 percent, or unless disabled and unable to care for his or her child(ren), as verified by a doctor's statement or by worker determination, the head of household must meet the training or employment activity requirements of:
- i. being employed for a minimum average of 30 hours per week and all countable employment hours must be paid at least at the federal minimum hourly wage;
  - ii. attending a job training or educational program for a minimum average of 30 hours per week (attendance at a job training or educational program must be verified, including the expected date of completion); or
  - iii. being engaged in some combination of employment which is paid at least at the federal minimum hourly wage, or job training, or education as defined in Subparagraph b of this Paragraph that averages at least 30 hours per week.

b. Exception. The employment and training activity requirements provided in this Paragraph may be waived for a period of 180 days from the effective date of certification of eligibility for parents or persons acting as parents who are experiencing homelessness and who demonstrate that they are seeking employment or participating in a transitional living program as defined in §103. There is a six-month lifetime maximum for this exception.

c. Exception. If the number of children served drops below 12,500 and funding is available, the 30-hour training and/or employment requirement referenced in this Section may be reduced by the department until 12,500 children are being served.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:43 (January 2016).

**§511. Household Certification Period**

A. Eligible households may be certified for up to 24 months except as provided in Subsection B of this Section.

B. Households relying on the exception to eligibility requirements for parents and persons acting as parents who are experiencing homelessness, as provided in §509.A.5.c, and that have the 30 hours per week employment and training requirement waived, may be certified for up to six months.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:44 (January 2016).

**§513. Prioritization of Funding**  
**[Formerly §509]**

A. Prioritization

1. Children of a STEP participant whose FITAP eligibility has been terminated due to earned income shall be given priority status with seats available for them as long they meet the eligibility requirements provided in §509 and funding is available.

2. Children in foster care and children with special needs shall be given priority status should it be necessary for a waiting list to be established. Children with special needs will be given priority status with seats available for them as long as they meet the eligibility requirements in either §507 or §509, whichever is applicable.

3. After all available slots are filled, a statewide waiting list of eligible households or eligible children shall be established and maintained. Households on the waitlist shall be classified based on priority and need. As seats become available, households will be released from the waiting list and considered for current eligibility.

B. The department has the authority to implement an application freeze based on the lack of available child care funds to operate CCAP.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2116 (October 2015), amended LR 42:44 (January 2016).

**§515. Payments Made on Behalf of Households**

A. The state maximum daily rates for CCAP care are as follows.

Child Care Provider Type	Regular Care	Regular Care for Infants/Toddlers (under age 3)	Special Needs Care Incentive	Special Needs Care Incentive for Infants/Toddlers (under age 3)
Type III Early Learning Center	\$21.50	\$22.50	\$25.65	\$26.65
School Child Care Center	\$15.00	\$16.00	\$18.50	\$19.50
Family Child Care Provider	\$15.00	\$16.00	\$18.50	\$19.50
In-Home Provider	\$14.50	\$15.50	\$17.90	\$18.90
Military Child Care Centers	\$21.50	\$22.50	\$25.65	\$26.65

B. Categorically Eligible Households

1. Payments made to providers on behalf of categorically eligible households will be the lesser of:

- a. the provider's actual charge multiplied by authorized service days or authorized service hours; or
- b. the state maximum daily rate for CCAP care as provided in Subsection A.

2. The number of days or hours authorized for payment is based on the lesser of the following:

- a. the time the child is actually in care each week;
- b. the number of hours the head of household, the head of household's spouse or non-legal spouse, or MUP is working or attending a job training or educational program each week, plus one hour per day for travel to and from such activity; or

c. the time the child care is actually needed and available.

C. Non-Categorically Eligible Households

1. Payment made to providers on behalf of non-categorically eligible households will be determined using a sliding fee scale based on a percentage of state median income and federal poverty levels. The sliding fee scale will be revised on an annual basis to the extent that funds are available.

2. A non-categorically eligible household shall pay a portion of its monthly child care costs in accordance with the sliding fee scale, and this portion will be referred to as a “co-payment.”

3. Payments to providers on behalf of non-categorically eligible households will be a portion of the lesser of:

a. the provider's actual charge multiplied by the number of authorized service days or authorized service hours; or

b. the state maximum daily rate for CCAP care as provided in Subsection A.

D. Payment is made to the provider after the child care has been provided.

E. Payment may be made to more than one provider for the same child if the combined payment does not exceed the maximum allowable per child.

F. Absences

1. Payment will not be made for absences of more than five days by a child in any calendar month or for an extended closure by a provider of more than five consecutive days in any calendar month.

2. A day of closure, on a normal operating day for the provider, is counted as an absent day for the children in the provider’s care.

3. If a child authorized for full-time care attends child care less than four hours in one day, the child will be counted as a half day absent and half the daily rate will be paid to the provider.

4. No absences will be authorized for part-time care.

5. In cases of federal, state, or locally declared emergency situations or other special circumstances, the department may waive these absence requirements.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2116 (October 2015), amended LR 42:44 (January 2016).

**§517. CCAP Household Reporting Requirements [Formerly §507]**

A. A CCAP household shall report any change that affects CCAP eligibility or the calculation of the amount of the monthly CCAP payment.

B. Changes in the following shall be reported within 10 days of knowledge of the change:

1. changes in the household’s gross monthly income, if the household’s gross monthly income changes to more than 85 percent of state medium income;

2. a change in provider; or

3. a child receiving CCAP leaves the household.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2116 (October 2015), amended LR 42:45 (January 2016).

**§519. Termination or Refusal of Renewal of Household Certification and Ineligibility Periods for Households**

A. The department may terminate or refuse renewal of a household’s certification and impose a period of ineligibility on the household for program violations, which include but are not limited to the following acts by a member of the household:

1. violation of any provision of this Chapter;

2. any act of fraud, such as the submission of false or altered documents or information, intentionally making a false or misleading statement, or misrepresenting, concealing, or withholding relevant fact;

3. failure to timely repay payment made to a provider on behalf of the ineligible household; or

4. failure to make timely restitution.

B. When a household’s certification is terminated or renewal is refused, the department shall provide written notice to the household of the termination or denial of renewal, and of the household’s ineligibility period, which may be up to 24 months or permanently.

C. If a household’s certification is terminated or renewal is refused, the action shall become effective when the household is given written notice. The written notice shall give the reason for termination or refusal to renew certification and the period of ineligibility imposed.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:45 (January 2016).

**§521. Recovery of Payments Made on Behalf of Ineligible Households [Formerly §511]**

A. All CCAP payments made on behalf of ineligible households are subject to action to recover the payments, with the exception of inadvertent household and administrative error claims in the amount of \$125 or less for households who are not currently participating in CCAP.

B. Action will be taken to recover all payments made on behalf of:

1. ineligible households that are currently participating in CCAP;

2. any ineligible household resulting from the household’s act of fraud, such as the submission of false or altered documents or information, intentionally making a false or misleading statement, or misrepresenting, concealing, or withholding relevant fact; and

3. any ineligible household resulting from errors that are discovered in a quality control review.

C. If a household does not timely repay ineligible payments made on its behalf, other than those exceptions provided in Subsection A of this Section, the department may refer such unrecovered payments to the Office of the Attorney General for collection, and the household owing the payments shall be assessed, and shall be required to pay, the additional collection fee assessed by the Office of the Attorney General.

D. When a household member is suspected of any act of fraud, such as the submission of false or altered documents or information, intentionally making a false or misleading statement, or misrepresenting, concealing, or withholding relevant fact, the department may refer the case for prosecution.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2116 (October 2015), amended LR 42:45 (January 2016).

**Chapter 9. Louisiana Pathways Early Learning  
Center Career Development System  
(LA Pathways)**

**§903. Participation in LA Pathways**

A. - B.6.c.i. ...

7. Director III

a. To receive an administrator certificate you must have 75 clock hours of instruction in approved administrative training categories.

b. Two college courses in approved administration can be substituted for the administrator certificate.

c. Training and education requirements:

i. CDA credential or approved early childhood diploma; and administrator certificate;

ii. associate degree in child development or early childhood and administrators certificate; or

iii. bachelor degree in early childhood or child development of which three college courses focus on infants and toddlers; and administrator certificate; or

iv. related bachelor degree with six college courses in early childhood or child development of which three courses focus on infants and toddlers and administrator certificate.

d. Experience requirements:

i. minimum two years.

e. Professional activity requirements:

i. membership in an early childhood professional organization and service to the profession such as: serving on a board or committee, presenting at a conference, participating as a CDA mentor or advisor, attendance at a conference or professional event.

8. Director IV

a. To receive an administrator certificate you must have 75 clock hours of instruction in approved administrative training categories.

b. Two college courses in approved administration can be substituted for the administrator certificate.

c. Training and education requirements:

i. master's degree in early childhood, child development or early childhood administration of which three courses focus on infants and toddlers and administrator certificate; or

ii. related master's degree with eight college courses in early childhood or child development of which three courses focus on infants and toddlers and administrator certificate.

d. Experience requirements:

i. minimum two years.

e. Professional activity requirements:

i. membership in an early childhood professional organization and service to the profession such as: serving on a board or committee, presenting at a conference,

participating as a CDA mentor or advisor, attendance at a conference or professional event.

C. - D.3.d. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:46 (January 2016).

Shan N. Davis  
Executive Director

1601#011

**RULE**

**Student Financial Assistance Commission  
Office of Student Financial Assistance**

Scholarship/Grant Programs  
Acts of the 2015 Regular Session  
(LAC 28:IV.Chapter 20)

The Louisiana Student Financial Assistance Commission (LASFAC) has amended its scholarship/grant rules (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, R.S. 17:3048.1, R.S. 17:3048.5 and R.S. 17:3048.6). (SG16167R)

**Title 28**

**EDUCATION**

**Part IV. Student Financial Assistance—Higher  
Education**

**Scholarship and Grant Programs**

**Chapter 20. John R. Justice Student Grant Program**

**§2005. Eligibility**

A. To establish eligibility, a lawyer must:

1. be employed full time as a public defender or prosecutor for at least one year as of December 31 of the year preceding the award; and

2. not be in default on any educational loan;

3. complete and submit an application by the deadline;

4. have the least ability to pay his student loans;

5. authorize LOSFA to access records held by any third party that will verify information provided on the application;

6. submit a completed John R. Justice Student Loan Program service agreement to LOSFA. If an applicant is not selected to receive an award, the agreement will be null and void.

B. Upon notice from LOSFA that he must do so, the applicant must provide:

1. information necessary to substantiate information included on the application, including, but not limited to, the following:

a. paycheck stubs for the two months immediately preceding the application date; and

b. federal tax returns for the most recent tax year; and

c. statements from all student loan holders evidencing the required monthly payments on his student loans;

2. a letter from his current employer verifying that the employer is an eligible employing entity under the John R. Justice Prosecutors and Defenders Incentive Act and recommending the applicant for participation in the program.

C. Qualified lawyers are required to apply for participation each year. Prior year recipients will be given priority for participation in the program in the second and third year of the service obligation, provided the recipient continues to meet the requirements of §2005.A.1-4 and B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 37:1387 (May 2011), amended LR 42:46 (January 2016).

### §2007. Applicable Deadlines

#### A. Application Deadline

1. Applicants must complete and submit the on-line application each calendar year no later than April 30.

2. Applications received after the deadline will not be considered unless there are insufficient qualifying applications received by the deadline to make awards for all grants.

3. In the event there are insufficient applications to award all grants, a second deadline will be announced.

4. In the event all grants cannot be awarded after a second application deadline has passed, LOSFA shall inform LASFAC and distribute the available remaining funds as directed by LASFAC.

B. Documentation Deadline. An applicant from whom documentation is requested must provide the required documentation within 20 days from the request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 37:1388 (May 2011), amended LR 38:1585 (July 2012), LR 42:47 (January 2016).

### §2009. Service Agreement

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 37:1388 (May 2011), repealed LR 42:47 (January 2016).

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### RULE

#### Student Financial Assistance Commission Office of Student Financial Assistance

TOPS GPA Calculation (LAC 28:IV.705, 803 and 805)

The Louisiana Student Financial Assistance Commission (LASFAC) has amended its scholarship/grant rules (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, R.S. 17:3048.1, R.S. 17:3048.5 and R.S. 17:3048.6). (SG16165R)

## Title 28

### EDUCATION

#### Part IV. Student Financial Assistance—Higher Education Scholarship and Grant Programs

#### Chapter 7. Taylor Opportunity Program for Students (TOPS) Opportunity, Performance, and Honors Awards

#### §705. Maintaining Eligibility

A. - A.7. ...

8.a. Through the 2013-14 academic year (TOPS), maintain at an eligible college or university, by the end of the spring semester, quarter, or term, a TOPS cumulative college grade point average on a 4.00 maximum scale of at least:

i. a 2.30 with the completion of 24 but less than 48 credit hours, a 2.50 after the completion of 48 credit hours, for continuing receipt of an Opportunity Award, if enrolled in an academic program; or

ii. a 2.50, for continuing receipt of an Opportunity Award, if enrolled in a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree; and

b. beginning with the 2014-15 academic year (TOPS), maintain at an eligible college or university, by the end of the academic year, a TOPS cumulative college grade point average on a 4.00 maximum scale of at least:

i. a 2.30 with the completion of 24 but less than 48 credit hours, a 2.50 after the completion of 48 credit hours, for continuing receipt of an Opportunity Award, if enrolled in an academic program; or

ii. a 2.50, for continuing receipt of an Opportunity Award, if enrolled in a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree; and

c. the provisions of §705.A.8.b shall not apply during the 2014-2015 academic year to students who met the requirements of §705.A.7 at the end of the spring semester of 2015, but who did not meet the requirements of §705.A.8.b at the end of the 2014-2015 academic year;

d. beginning with the 2015-16 academic year (TOPS), maintain at an eligible college or university, by the end of the academic year, a TOPS cumulative college grade point average (Opportunity, Performance, Honors) on a 4.00 maximum scale of at least:

i. a 2.30 with 24 but less than 48 earned credit hours for continuing receipt of an Opportunity Award, if enrolled in an academic program for the last semester attended during the academic year; or

ii. a 2.50 with 24 but less than 48 earned credit hours for continuing receipt of an Opportunity Award, if enrolled in a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree for the last semester attended during the academic year; or

iii. a 2.50 with 48 or more earned credit hours for continuing receipt of an Opportunity Award, if enrolled in any program of study for the last semester attended during the academic year; and

e. a 3.00 for continuing receipt of either a Performance or Honors Award; or

f. the minimum grade necessary to maintain good standing, if enrolled in a graduate or professional program; or

g. meet the federal grant aid steady academic progress requirement at that school, if enrolled in an eligible cosmetology or proprietary school; and

B.1. Students failing to meet the requirements listed in §705.A.7 or §705.A.8.a, b, d, f, or g may have their tuition awards reinstated upon regaining “steady academic progress” (see §301) and/or attainment of the required TOPS cumulative grade point average, if the period of ineligibility did not persist for more than two years from the date of loss of eligibility.

2. If the two-year period is interrupted due to a student's active duty in the United States Armed Forces, the two-year period will be extended for a length of time equal to the student's active duty service.

3. Students who fail to meet the requirements of §705.A.8.d, shall no longer be eligible for the stipend authorized for the Performance and Honors Awards, but shall be eligible to receive the award amount for the Opportunity Award if they meet the continuation requirements of §705.A.8.a, b, d, f, or g.

4.a. A student shall have one semester or quarter after the 2015-16 academic year (TOPS) for which the TOPS Award will be paid to meet the requirements of §705.A.8.d if the student:

i. failed to meet the requirements listed in §705.A.8.d solely because the calculation of the TOPS cumulative grade point average (Opportunity, Performance, Honors) at the end of the 2015- 2016 academic year (TOPS) includes both hours and grades for courses taken before the 2015-16 academic year (TOPS) in both academic and technical courses of study; and

ii. was a high school graduate or home study completer who enrolled for the first time as a full-time student in an eligible postsecondary institution before the 2015-16 academic year (TOPS); and

iii. not suspended after the 2014-15 academic year (TOPS).

b. The TOPS award of a student who meets the requirements of §705.B.4.a shall not be suspended unless the student fails to meet the requirements of §705.A.8.d by the end of the fall semester or quarter of 2016 in which case:

i. the student's TOPS award shall be suspended effective at the end of the fall semester or quarter of 2016; and

ii. the provisions of §705.B.1 and 2 shall apply.

c. If a student does not enroll full time for the fall semester or quarter of 2016 and any subsequent consecutive semesters or quarters and is granted an exception for all of those semesters or quarters, the provisions of §705.B.4.b shall be extended to the end of the next semester or quarter during which the student enrolls full time and for which the student's TOPS award is paid.

C. - F.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:637 (April 1998), amended LR 24:1904 (October 1998), LR 25:257 (February 1999), LR 25:656 (April 1999), LR 25:1091 (June 1999), LR 26:67 (January 2000), LR 26:688 (April 2000), LR 26:1996 (September 2000), LR 26:2001 (September 2000), repromulgated LR 27:1853 (November 2001), amended LR 28:447 (March 2002), LR 28:772 (April 2002), LR 28:2332 (November 2002), LR 29:2373 (November 2003), LR 30:781 (April 2004), LR 30:1163 (June 2004), LR 30:2019 (September 2004), LR 31:3115 (December 2005), LR 33:437 (March 2007) , LR 34:1390 (July 2008), LR 36:491 (March 2010), LR 36:2856 (December 2010), LR 38:3159 (December 2012), LR 40:1002 (May 2014), LR 41:664 (April 2015), LR 42:47 (January 2016).

**Chapter 8. TOPS-Tech Award §803. Establishing Eligibility**

A. - A.6.a.iv. ...

v. for students graduating in the 2013-2014 school year through the 2016-2017 school year, the high school course work documented on the student's official transcript as approved by the Louisiana Department of Education constituting the following TOPS-Tech core curriculum;

Core Curriculum—TOPS-Tech Award	
Units	Course
1	English I
1	English II
1	English III
1	English IV or substitute 1 unit of Business English
1	Algebra I; or both Algebra I, Part 1 and Algebra I, Part 2; or both Applied Mathematics I and Applied Mathematics II
2	Geometry, Applied Mathematics III, Algebra II, Financial Mathematics, Advanced Mathematics I [beginning with the 2008-2009 academic year (high school) this course is renamed Advanced Math – Pre-Calculus], Advanced Mathematics II [beginning with the 2008-2009 academic year (high school) this course is renamed Advanced Math – Functions and Statistics], Discrete Mathematics, or Probability and Statistics (2 units). Integrated Mathematics I, II, and III may be substituted for Algebra I, Geometry and Algebra II, and shall be considered the equivalent of the 3 required math units
1	Biology
2	Earth Science, Environmental Science, Physical Science, Integrated Science, Biology II, or Chemistry or Applied Chemistry, Chemistry II, Physics, Physics II or Physics for Technology or Agriscience I and II (both for 1 unit)
1	American History
1	World History, Western Civilization or World Geography
1	Civics and Free Enterprise (1 unit combined) or Civics (1 unit, non-public)
Remaining Core Courses Shall Be Selected from One of the Following Options	
<b>Option 1—Total of 17 Units</b>	
1	Fine Arts Survey or drafting (one unit) or substitute 2 units of performance courses in music, dance, or theater; or substitute 2 units of visual art courses; or substitute 2 units of studio art courses; or a course from the Career and Technical Program of studies that is approved by the BESE (must be listed under the Vocational Education Course Offerings in Bulletin 741 or the updates to Bulletin 741); or substitute 1 unit as an elective from among the other subjects listed in this core curriculum
2	Foreign Language, Technical Writing, Speech I or Speech II
1	One unit from the secondary computer education program of studies that is approved by the BESE
or	

Core Curriculum—TOPS-Tech Award	
Units	Course
<b>Option 2—Total of 19 Units</b>	
4	In a career major comprised of a sequence of related specialty courses. In order for a student to use this option, the courses for the career major must be approved by BESE.
1	Credit in a basic computer course
1	In related or technical fields. A related course includes any course which is listed under the student's major. A technical course is one that is listed in the approved career option plan for the high school at which the course is taken.

A.6.b. - B.4.b.ii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1904 (October 1998), amended LR 24:2237 (December 1998), LR 25:1795 (October 1999), LR 26:65 and 67 (January 2000), LR 26:1602 (August 2000), LR 26:1997 (September 2000), LR 26:2269 (October 2000), LR 26:2754 (December 2000), LR 27:36 (January 2001), LR 27:1220 (August 2001), repromulgated LR 27:1854 (November 2001), amended LR 28:447 (March 2002), LR 28:773 (April 2002), LR 28:2330 (November 2002), LR 29:554 (April 2003), LR 30:1164 (June 2004), LR 30:2019 (September 2004), LR 31:39 (January 2005), LR 31:3114 (December 2005), LR 33:437 (March 2007), LR 33:2614 (December 2007), LR 35:230 (February 2009), LR 36:491 (March 2010), LR 36:2270 (October 2010), LR 36:2856 (December 2010), LR 38:3159 (December 2012), LR 41:654 (April 2015), LR 42:48 (January 2016).

#### §805. Maintaining Eligibility

A. - A.6. ...

7.a. through the 2013-14 academic year, maintain, by the end of the spring term, a TOPS cumulative college grade point average (TOPS Tech) of at least 2.50 on a 4.00 maximum scale, provided that this requirement does not apply to a student who is enrolled in a cosmetology or proprietary school that is an eligible college or university and the student has met the federal grant aid steady academic progress requirement at that school; and

b. beginning with the 2014-15 academic year, maintain, by the end of the academic year, a TOPS cumulative college grade point average (TOPS Tech) of at least 2.50 on a 4.00 maximum scale, provided that this requirement does not apply to a student who is enrolled in a cosmetology or proprietary school that is an eligible college or university and the student has met the federal grant aid steady academic progress requirement at that school; and

A.8. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1905 (October 1998) amended LR 25:1091 (June 1999), LR 26:68 (January 2000), LR 26:689 (April 2000), LR 26:1997, 2002 (September 2000), repromulgated LR 27:1856 (November 2001), amended LR 28:774 (April 2002), LR 28:2332 (November 2002), LR 29:880 (June 2003), LR 29:2373 (November 2003), LR 30:781 (April 2004), LR 30:1165 (June 2004), LR 30:2019 (September 2004), LR 31:3115 (December 2005), LR 33:438 (March 2007), LR 35:1489 (August 2009), LR 38:3160 (December 2012), LR 40:1002 (May 2014), LR 41:666 (April 2015), LR 42:49 (January 2016).

Robyn Rhea Lively  
Senior Attorney

1601#095

## RULE

### Student Financial Assistance Commission Office of Student Financial Assistance

Bylaws of the Advisory Committee to the Student Financial Assistance Commission (LAC 28:V.221 and 233)

The Louisiana Student Financial Assistance Commission (LASFAC) has amended its scholarship/grant rules (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, R.S. 17:3048.1, R.S. 17:3048.5 and R.S. 17:3048.6). (AC16166R)

## Title 28

### EDUCATION

#### Part V. Student Financial Assistance—Higher Education Loan Program

#### Chapter 2. Bylaws of the Advisory Committee to the Student Financial Assistance Commission

##### Subchapter C. Membership and Officers of the Committee

#### §221. Membership

A.1. - A.3. ...

B. Rotation of Members. Voting members shall rotate according to the following schedule:

1. Louisiana State University System:
  - a. Louisiana State University at Alexandria;
  - b. Louisiana State University at Shreveport;
  - c. Louisiana State University at Eunice;
  - d. Louisiana State University at Baton Rouge;
2. Southern University System:
  - a. Southern University at Baton Rouge. The initial term shall be for one year;
  - b. Southern University at New Orleans;
  - c. Southern University at Shreveport;
3. University of Louisiana System:
  - a. University of Louisiana at Monroe. The initial term shall be for one year;
  - b. Louisiana Tech University;
  - c. McNeese State University;
  - d. Nicholls State University;
  - e. Northwestern State University;
  - f. Southeastern Louisiana University;
  - g. University of Louisiana at Lafayette;
  - h. Grambling State University;
  - i. University of New Orleans;
4. Louisiana Community and Technical College System:
  - a. Delgado Community College. The initial term shall be for one year;
  - b. Baton Rouge Community College;
  - c. Bossier Parish Community College;
  - d. Louisiana Delta Community College;
  - e. Fletcher Technical Community College;
  - f. River Parishes Community College;
  - g. South Louisiana Community College;
  - h. SOWELA Technical Community College;
  - i. Louisiana Technical College;
  - j. Central Louisiana Technical Community College;
  - k. Northshore Technical Community College;
  - l. Northwest Louisiana Technical College;
  - m. Nunez Community College;
  - n. South Central Louisiana Technical College;

5. professional schools:
    - a. Louisiana State University Health Sciences Center at New Orleans;
    - b. Louisiana State University Health Sciences Center at Shreveport;
    - c. Southern University Law Center;
    - d. Tulane Medical and Law School;
  6. Louisiana Association of Independent Colleges and Universities:
    - a. Centenary College;
    - b. Dillard University;
    - c. Louisiana College;
    - d. Loyola University;
    - e. New Orleans Baptist Theological Seminary;
    - f. Our Lady of Holy Cross College;
    - g. Our Lady of the Lake College;
    - h. St. Joseph Seminary College;
    - i. Tulane University;
    - j. Xavier University;
  7. proprietary schools:
    - a. the Louisiana Career College Association shall rotate membership among the proprietary schools.
    - b. the rotation will ensure that all schools are offered membership before the rotation repeats;
  8. student—through September 30, 2010:
    - a. a student member shall be selected by the financial aid officer who is a member of the advisory committee beginning with the member from the Louisiana State University System and rotating in the order of members listed above;
    - b. student members shall serve one-year terms and may not serve two consecutive terms;
    - c. the student selected should be an employee of the financial aid office, have financial aid experience or otherwise have an interest in financial aid;
  9. high school counselors—beginning October 1, 2011:
    - a. one active public high school counselor selected by the Louisiana Student Counselor Association whose initial term shall be one year;
    - b. one active non-public high school counselor selected by the Louisiana Student Counselor Association whose initial term shall be two years.
- C. Term
- 1.a. The term of voting members shall be for two years except as indicated in §221.B above. Members may not serve two consecutive terms, except as indicated in §221.E.2 below.
  - b. Beginning with the 2015-2016 year, the term of voting members shall be for three years except as follows.
    - i. The term of the member selected by the Louisiana Student Counselor Association to represent non-public high schools for the 2015-2016 academic year shall be one year.
    - ii. The term of the member selected by the Louisiana State University System, the University of Louisiana System, and the Louisiana Association of

Independent Colleges and Universities beginning in the 2015-2016 academic year shall be two years.

2. Terms shall be staggered.
3. Terms shall begin on October 1 of each year.

#### D. Notification of Membership

1. Except for the 2007-2008 academic year, LOSFA shall send a notice to the financial aid directors of the schools who are eligible to be members of the advisory committee no later than September 1 of each year. In the notice, LOSFA shall request confirmation of that financial aid director's willingness to serve as a member and the name of the financial aid director's designee, if there is one.

2. The financial aid director must submit the confirmation of membership by September 30 of that same year.

#### E. Replacements

1. If a financial aid director declines to participate or does not submit a timely confirmation, the next school in the rotation shall be eligible for membership and LOSFA shall so notify the appropriate financial aid director.

2. If a financial aid director is unable to complete his/her term for any reason, the financial aid director from the next school in the rotation shall be eligible for membership and LOSFA shall so notify the appropriate financial aid director. The replacement member shall complete the rest of the term and shall be eligible for membership for the next three-year term.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:435 (March 1998), amended LR 33:1339 (July 2007), LR 34:610 (April 2008), LR 37:2598 (September 2011), LR 42:49 (January 2016).

### Subchapter D. Business Rules

#### §233. Order of Business

A. The order of business of regular meetings of the committee shall be as follows, unless the rules are suspended by a simple majority vote of the quorum present:

1. call to order;
2. roll call;
3. introductions and announcements;
4. corrections and approval of minutes of the preceding regular meeting and of all special meetings held subsequent thereto;
5. public comment;
6. reports and recommendations of subcommittees;
7. unfinished business; and
8. new business.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:436 (March 1998), amended LR 42:50 (January 2016).

Robyn Rhea Lively  
Senior Attorney

1601#093

**RULE**

**Office of the Governor  
Division of Administration  
Office of Group Benefits**

Employee Benefits (LAC 32:I.317)

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:801(C) and 802(B)(1), vesting the Office of Group Benefits (OGB) with the responsibility for administration of the programs of benefits authorized and provided pursuant to chapter 12 of title 42 of the *Louisiana Revised Statutes*, and granting the power to adopt and promulgate rules with respect thereto, OGB has amended several provisions of Title 32 in the *Louisiana Administrative Code*. This action enhances member clarification and provides for the administration, operation, and management of health care benefits effectively for the program and member. Accordingly, OGB hereby amends the following rules.

**Title 32**

**EMPLOYEE BENEFITS**

**Part I. General Provisions**

**Chapter 3. Uniform Provisions—Participation in the Office of Group Benefits**

**§317. Change of Classification**

A. Adding or Deleting Dependents. When a dependent is added to the enrollee’s coverage due to a HIPAA special enrollment event or deleted from the enrollee’s coverage consistent with a change in the dependent’s status, as set forth in the applicable OGB health plan document, applications made by active enrollees shall be provided to their HR liaison and applications made by retired enrollees shall be provided to OGB. Application is required to be made within 30 days of the event unless a longer application period is required by federal or state law.

B. ...

C. Effective Date of Change in Classification

1. When adding a dependent due to a HIPAA special enrollment event results in a change in classification, the change in classification will be effective on the date of the event.

2. When the addition of a dependent changes the classification of coverage, the new premium rate will be charged for the entire month if the date of the HIPAA special enrollment event occurs before the fifteenth day of the month. If the date of the HIPAA special enrollment event occurs on or after the fifteenth day of the month, the new premium rate will not be charged until the first day of the following month.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by Office of the Governor, Division of Administration, Office of Group Benefits, LR 41:341 (February 2015), effective March 1, 2015, amended LR 42:51 (January 2016).

Susan T. West  
Chief Executive Officer

1601#009

**RULE**

**Office of the Governor  
Division of Administration  
Office of State Procurement**

Reverse Auction (LAC 34:V.Chapter 5)

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 39:1581, the Office of the Governor, Division of Administration, Office of State Procurement, has amended LAC 34:V.Chapter 5, Reverse Auctions.

**Title 34**

**GOVERNMENT CONTRACTS, PROCUREMENT,  
AND PROPERTY CONTROL**

**Part V. Procurement**

**Chapter 5. Reverse Auctions**

**§501. Definition**

**[Formerly LAC 34:I.601]**

A. For the purpose of this Section, *using agency* means the Office of State Procurement using an electronic online reverse auction process on its own behalf or on behalf of one or more state agencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 38:1406 (June 2012), repromulgated LR 40:1354 (July 2014), LR 40:2555 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:51 (January 2016).

**§503. Application**

**[Formerly LAC 34:I.603]**

A. Where the using agency utilizes a reverse auction process, the head of the agency requesting a reverse auction shall have determined that the best interests of the state would be served and that online bidding is more advantageous than other procurement methods.

B. When the using agency uses the reverse auction process on its own behalf or on behalf of multiple state agencies, the director of the Office of State Procurement shall be considered the department head of the using agency.

C. Vendors shall be registered before the opening date and shall have agreed to abide by any terms and conditions and other requirements of a solicitation as a pre-condition to participating in any reverse auction.

D. Vendors and/or products may be prequalified prior to placing bids. If prequalification is a requirement, only bidders who are prequalified will be allowed to participate. When applicable:

1. - 2. ...

3. the prequalification period shall end as prescribed in the solicitation prior to the beginning of the auction;

4. bidders shall be notified as to whether they have been prequalified in writing at least four days prior to the beginning of the auction;

5. prequalified products for a particular solicitation shall be announced on the state’s internet-based system for posting vendor opportunities seven days prior to the beginning of the auction;

D.6. - E.1. ...

F. At the opening date and time, the using agency shall begin accepting online bids and continue accepting bids until the bid is officially closed. Bidders shall be allowed to lower the price of their bid below the lowest bid posted on the Internet until the closing date and time.

G - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 38:1406 (June 2012), repromulgated LR 40:1354 (July 2014), LR 40:2555 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:51 (January 2016).

### **§513. Rejected Bids**

**[Formerly LAC 34:I.613]**

A. The awarding authority may reject any bid, in whole or in part, and may select the next lowest responsive and responsible bid, if any of the following occur:

1. the materials, supplies, services, products, or equipment, for which the bid is offered are not in compliance with the requirements, specifications, terms or conditions as stated in the reverse auction;

2. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 38:1407 (June 2012), repromulgated LR 40:1355 (July 2014), LR 40:2556 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:52 (January 2016).

### **§517. Security**

**[Formerly LAC 34:I.617]**

A. All reverse auctions shall be conducted in accordance with the electronic security requirements of the Office of Technology Services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 38:1407 (June 2012), repromulgated LR 40:1355 (July 2014), LR 40:2556 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:52 (January 2016).

Jan B. Cassidy  
Assistant Commissioner

1601#091

## **RULE**

### **Office of the Governor Licensing Board for Contractors**

#### **Specialty Classifications and Labor Only (LAC 46:XXIX.1515 and 1517)**

In accordance with the provisions of R.S. 49:950 et seq., which is the Administrative Procedure Act, and through the authority granted in R.S. 37:2150-2192, which is the Contractor Licensing Law, the Licensing Board for

Contractors (LSLBC) has adopted rules and regulations regarding contracting matters under the jurisdiction of the LSLBC.

## **Title 46**

### **PROFESSIONAL AND OCCUPATIONAL STANDARDS**

#### **Part XXIX. Contractors**

#### **Chapter 15. Residential**

#### **§1515. Specialty Classifications**

A. Any corporation, partnership, or individual who, for a price, commission, fee, wage or other compensation undertakes or offers to undertake or superintend the following work as it relates to the construction of any building or structure that is not more than three floors in height, to be used by another as a residence, where the value of work exceeds \$7,500, including labor and materials, is required to obtain a specialty classification for that work:

1. residential pile driving;
2. residential foundations;
3. residential framing;
4. residential roofing;
5. residential masonry/stucco;
6. residential swimming pools.

B. Any contractor who seeks to obtain such a specialty classification must, in addition to all other application or licensing requirements, designate a qualifying party who successfully passes the business and law exam and the trade exam for the respective specialty.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2192.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Licensing Board for Contractors, LR 42:52 (January 2016).

#### **§1517. Labor Only**

A. In lieu of obtaining a specialty classification required under §1515, a subcontractor who provides labor only and does not supply materials may obtain a subcontract-labor-only specialty classification for work performed under the direct supervision of a licensed residential building contractor. To obtain such a specialty classification, the subcontractor must:

1. complete and submit the form prescribed by the board for the subcontract-labor-only specialty classification;
2. submit an affidavit (on the form prescribed by the board for the subcontract-labor-only specialty classification) that is executed by a licensed residential building contractor who holds at least one contract with the subcontractor and that attests to the subcontractor's quality of work and character; and
3. successfully pass the law, rules and regulations exam.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2192.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Licensing Board for Contractors, LR 42:52 (January 2016).

Michael McDuff  
Executive Director

1601#019

**RULE**  
**Office of the Governor**  
**Real Estate Commission**

Disbursement of Escrow Deposits (LAC 46:LXVII.2901)

Under the authority of the Louisiana Real Estate License Law, R.S. 37:1430 et seq., and in accordance with the provisions of the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Louisiana Real Estate Commission has amended LAC 46:LXVII.2901. The purpose of the Rule change is to reduce the timeline for settling deposit disputes in a real estate transaction from 90 to 60 days.

**Title 46**  
**PROFESSIONAL AND OCCUPATIONAL**  
**STANDARDS**  
**Part LXVII. Real Estate**  
**Subpart 1. Real Estate**

**Chapter 29. Disbursement of Escrow Deposits**

**§2901. Escrow Disputes**

A. When a dispute exists in a real estate transaction regarding the ownership or entitlement to funds held in a sales escrow checking account, the broker holding the funds shall send written notice to all parties and licensees involved in the transaction. Within 60 days of the scheduled closing date or knowledge that a dispute exists, whichever occurs first, the broker shall do one of the following:

1. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:44 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1454 (August 2006), LR 34:2422 (November 2007), LR 37:3007 (October 2011), LR 42:53 (January 2016).

Bruce Unangst  
Executive Director

1601#039

**RULE**  
**Department of Health and Hospitals**  
**Board of Dentistry**

Anesthesia/Analgesia Administration  
(LAC 46:XXXIII.Chapter 15)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Dental Practice Act, R.S. 37:751 et seq., and particularly R.S. 37:760(8), the Department of Health and Hospitals, Board of Dentistry has repealed LAC 46:XXXIII.1503, 1505, 1506, 1507, 1508, 1509, 1511, and 1513. However, the Department of Health and Hospitals, Board of Dentistry has promulgated LAC 46:XXXIII.1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, and 1511.

**Title 46**  
**PROFESSIONAL AND OCCUPATIONAL**  
**STANDARDS**

**Part XXXIII. Dental Health Profession**

**Chapter 15. Anesthesia/Analgesia Administration**

**§1502. Types of Permits**

A. The board issues two types of permits for sedation and/or general anesthesia:

1. personal permits;
2. office permits.

B. In order for anyone to perform any type of sedation or general anesthesia beyond minimal sedation in conjunction with dental procedures in a dental office or in any facility in which dentistry is being performed, an office permit must have been issued by the board for that location, subject to the exceptions in R.S. 37:793(H). The office permit must be for the level of sedation or general anesthesia equal to or higher than the level to be performed. No office or personal permit is required for minimal sedation by means other than nitrous oxide inhalation.

C. In order to perform any type of sedation or general anesthesia beyond minimal sedation, or to perform nitrous oxide analgesia or sedation, a dentist must hold a personal permit equal to or higher than the level of sedation or general anesthesia to be performed. Additionally, in order to perform any type of moderate sedation or greater on children under the age of 13, the permit received by the dentist must have a pediatric certification as provided for in §1504.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 42:53 (January 2016).

**§1503. Personal Permits for Sedation/Anesthesia**

A. The board issues the following types of personal permits for sedation and/or general anesthesia, listed in order from lowest to highest level:

1. nitrous oxide inhalation permit;
2. moderate sedation with enteral drugs;
3. moderate sedation with parenteral drugs;
4. general anesthesia/deep sedation.

B. In order to receive a personal permit, the dentist must show proof of completion of a training program pertaining to the level of permit sought. The training program must have complied with the guidelines and policy statements published by the American Dental Association pertaining to training recommended for sedation and/or general anesthesia.

C. If the training program described in Subsection B of this Section was completed five years or more before the application for the personal permit is made, the board may, in its discretion, through the chairman of its anesthesia committee, issue the requested permit if the licensee has been legally and safely providing sedation/anesthesia at the level of the requested permit in another state since completing the program.

D. In addition to the requirements of Subsection B, in order to receive or renew any personal sedation/general anesthesia permit or a nitrous oxide analgesia/sedation

permit, the licensee must provide proof of current certification in cardiopulmonary resuscitation, course "C", basic life support for the health care provider as defined by the American Heart Association, or its equivalent.

E. In addition to the requirements of Subsections B and D, in order to receive or renew a personal moderate enteral sedation permit, a personal moderate parenteral sedation permit, or a personal deep sedation/general anesthesia permit, the licensee must provide proof of current certification in advanced cardiac life support as defined by the American Heart Association or its equivalent. The board will only accept an ACLS course which includes a practical component which is personally attended. If a dentist's practice is restricted to treating only children, the certification in pediatric life support (PALS) described in §1504.A.4 will suffice as a substitute for ACLS.

F. Licensees who have received permits to administer sedation or anesthesia prior to the effective date of this Rule and whose permits are still valid are exempt from the training program requirements in Subsection B upon renewal of their permits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 42:53 (January 2016).

#### **§1504. Pediatric Certification for Personal Permits**

A. In order to receive a pediatric certification for a personal permit:

1. a dentist shall have completed a pediatric or oral and maxillofacial surgery advanced education program accredited by the Commission on Dental Accreditation that provided training in the level of sedation allowed by the permit requested; or

2. in addition to completing the training requirements set forth in §1503, the dentist shall have completed an additional training course consisting of 8 hours of didactic pediatric sedation training specific to the level of the permit being sought and 10 cases of pediatric sedation involving the highest level of sedation allowed by the permit sought; or

3. the training program meeting the requirements set forth in §1503 was pediatric-specific;

4. in addition to the above requirements, in order to receive or renew a personal permit with a pediatric certification, the licensee must provide proof of current certification in pediatric life support (PALS), or its equivalent. The board will only accept a PALS course which includes a practical component which is personally attended. If a dentist's practice is restricted to treating only children, the PALS certification will suffice as a substitute for the ACLS required in §1503.E. If a dentist's practice is not restricted to treating only children, in order to receive a permit with a pediatric certification, both PALS and ACLS certifications are required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 42:54 (January 2016).

#### **§1505. Personal Permit Renewals**

A. In order to renew any sedation/anesthesia permit that the licensee has had for at least two years other than a nitrous oxide inhalation permit, the licensee must have obtained six hours of continuing education on the administration of sedation specific to the highest level of

sedation/anesthesia allowed by the permit being renewed or on medical emergencies associated with the administration of sedation/anesthesia specific to the highest level of sedation/anesthesia allowed by the permit being renewed during the two-year period of the permit. If the permit has a pediatric certification, in addition to the above stated requirements, the continuing education must be pediatric-specific. The CPR, ACLS, and PALS courses required in §§1503 and 1504 do not count toward the requirements set forth in this Section. This requirement can be counted toward the usual continuing education licensure requirements and can count toward the continuing education requirement in §1611.J if it is personally attended.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 42:54 (January 2016).

#### **§1506. Intranasal Midazolam**

A. Although the intranasal route of administration of sedative agents is statutorily considered to be a parenteral technique of drug administration, licensees holding a personal permit for moderate sedation with enteral drugs may administer intranasal midazolam to accomplish moderate sedation without holding a personal permit for moderate sedation with parenteral drugs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 42:54 (January 2016).

#### **§1508. Oral Administration of Drugs for Sedation**

A. Oral administration of drugs used to induce sedation beyond minimal sedation shall be performed on the dental premises only. Oral administration of drugs for sedation for children under the age of 13, regardless of the level of sedation targeted, shall be performed on the dental premises only.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 42:54 (January 2016).

#### **§1509. Third-Party Sedation/Anesthesia**

A. Sedation and/or general anesthesia may be performed in a dental office in conjunction with dental work when the dentist utilizes the services of a third-party Louisiana-licensed physician who specializes in anesthesiology, a third-party Louisiana-licensed certified registered nurse anesthetist, or an oral and maxillofacial surgeon who is permitted by the board to administer moderate sedation, deep sedation, and general anesthesia provided that the third-party anesthetist must remain on the premises of the dental facility until any patient given sedation is recovered.

B. In order to utilize a third-party to administer sedation and/or anesthesia as described in Subsection A, a dentist must obtain an office permit for each office location at which a third-party anesthetist will be administering sedation or anesthesia, subject to the exceptions in R.S. 37:793(H). This permit will only be issued after an office inspection by the board to assure that the office meets the minimum requirements for facilities, personnel and equipment for sedation/anesthesia procedures. Additionally, the dentist who is performing the dental work but not performing the sedation/general anesthesia must have current certification in advanced cardiac life support as defined by the American

Heart Association or its equivalent. The board will only accept an ACLS course which includes a practical component which is personally attended.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 42:54 (January 2016).

#### **§1510. Moderate Sedation**

A. In order to administer enteral or parenteral moderate sedation, the dentist shall:

1. comply with all requirements of this Chapter;
2. utilize a working pulse oximeter on patients;
3. maintain a proper record keeping mechanism in addition to a controlled substance log; and
4. utilize an accurate scale on pediatric patients (anyone under the age of 13).

B. Drugs for enteral moderate sedation must be administered in a dental office and the patient must be observed by a qualified office staff member with training and credentials to perform the specific tasks concomitant with the procedure being administered. For both enteral and parenteral moderate sedation, continuous monitoring with pulse oximetry must be initiated with early signs of moderate sedation and continued until the patient is alert. A precordial, pretracheal stethoscope must be available to assist intraoperatively in the monitoring of heart and respiratory rates. A sphygmomanometer shall be immediately available and utilized as needed throughout the procedure. Drugs for anxiolysis/minimal sedation in adults may be administered off premises prior to the dental procedure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 42:55 (January 2016).

#### **§1511. Required Facilities, Personnel and Equipment for Sedation Procedures**

A. The following are minimum requirements for facilities and equipment that must be available for use with sedation procedures, other than minimal sedation by means other than nitrous oxide inhalation.

1. The dental operator where sedation procedures are performed must be large enough to accommodate the patient adequately on a dental chair and to permit an operating team consisting of three individuals to move about the patient.

2. The dental chair must permit the patient to be positioned so that the operating team can maintain the airway, quickly alter the patient position in an emergency, and provide a firm platform for performing cardiopulmonary resuscitation should it become necessary.

3. There must be a lighting system which is adequate to permit evaluation of the patient's skin and mucosal color.

4. There must be suction equipment which permits aspiration of the oral and pharyngeal cavities. A back-up suction device which can operate at the time of a general power failure must be available for moderate and deep sedation procedures and for general anesthesia.

5. There must be an oxygen delivery system with adequate full-face masks and appropriate connectors capable of delivering a positive pressure oxygen supply to the patient.

6. Nitrous oxide equipment should:

a. conform to all requirements as established by the Council on Dental Materials and Devices of the American Dental Association;

b. provide a maximum of 100 percent and never less than 20 percent oxygen concentration at appropriate flow rates;

c. have a functional fail-safe system;

d. utilize a scavenger system in working condition;

e. be free of any obvious leaks, such as those indicated by hissing sounds or poor connections or tears of the delivery tubing or reservoir bag.

7. Ancillary equipment must be available in the operator where the moderate sedation, deep sedation or general anesthesia procedure is being performed, must be maintained in good operating condition, and must include the following:

a. oral airways;

b. tonsillary or pharyngeal-type suction device adaptable to all office outlets;

c. sphygmomanometer of appropriate size for the patient and stethoscope;

d. adequate equipment for the establishment of an intravenous infusion when parenteral sedation procedures are performed;

e. pulse oximeter;

f. equipment to monitor partial pressure of carbon dioxide when parenteral moderate sedation, deep sedation, or general anesthesia is administered;

g. working electrocardiograph and defibrillator when general anesthesia, deep sedation or moderate is utilized.

8. There must be emergency equipment and drugs available in an emergency kit or crash cart which is immediately available to the dental operator where the sedation procedure, other than minimal sedation or sedation by nitrous oxide inhalation, is being performed. These kits must include the necessary drugs and equipment to resuscitate a non-breathing unconscious patient and sustain life while the patient is being transported. There should be a list in each kit of the contents and a record of when the contents were checked. The following drugs should be available in the kit:

a. epinephrine;

b. vasopressor;

c. corticosteroid;

d. bronchodilator;

e. appropriate drug antagonists;

f. antihistaminic;

g. anticholinergic;

h. coronary artery vasodilator;

i. anticonvulsant;

j. oxygen; and

k. 50 percent dextrose or other antihypoglycemic.

B. Personnel

1. The authorized dentist must ensure that every patient receiving nitrous oxide inhalation analgesia, moderate sedation with parenteral drugs, deep sedation or general anesthesia is constantly attended.

2. Direct supervision by the authorized dentist is required when nitrous oxide inhalation analgesia, moderate sedation with parenteral drugs, deep sedation or general anesthesia is being administered.

3. When nitrous oxide inhalation analgesia is being administered, one dentist or auxiliary who is currently certified in basic life support must be available to assist the dentist or dental hygienist in an emergency.

4. When moderate sedation with parenteral or enteral drugs is being administered one auxiliary who is currently certified in basic life support must be available to assist the dentist in an emergency.

5. When deep sedation or general anesthesia is being administered two auxiliaries who are currently certified in basic life support must be available to assist the dentist in an emergency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 42:55 (January 2016).

### **§1513. Exceptions**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:660 (June 1994), amended LR 39:91 (January 2013), repealed LR 42:56 (January 2016).

Arthur Hickham, Jr.  
Executive Director

1601#005

## **RULE**

### **Department of Health and Hospitals Board of Dentistry**

Complaints, Investigation, and Informal Resolution; Formal Adjudication; Informal Disposition of Complaints (LAC 46:XXXIII.Chapters 8, 9 and 11)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Dental Practice Act, R.S. 37:751 et seq., and particularly R.S. 37:760(8), the Department of Health and Hospitals, Board of Dentistry has repealed LAC 46:XXXIII.1101, 1103, 1105, and 1107. In addition, the Department of Health and Hospitals, Board of Dentistry has adopted LAC 46:XXXIII.801, 803, and 805. Further, the Department of Health and Hospitals, Board of Dentistry has amended LAC 46:XXXIII.903.

#### **Title 46**

### **PROFESSIONAL AND OCCUPATIONAL STANDARDS**

#### **Part XXXIII. Dental Health Profession**

### **Chapter 8. Complaints, Investigation, and Informal Resolution**

#### **§801. Complaints and Investigation**

A. Complaints to the board about licensees or about individuals practicing without a license must be in writing to be considered by the board, although the board president has discretion to accept an oral complaint. Complaints can come from any source, including but not limited to the general

public, board members and governmental agencies or their contractors.

B. When a complaint is received by the board, the complaint is sent for investigation to a committee of one or more board members. This committee is called the Disciplinary Oversight Committee (hereinafter referred to as the "DOC"). The DOC generally consists of three board members chosen by the executive director of the board, but may consist of as few as one member. The board member from the same district as the licensee being investigated is not eligible to serve on the DOC. The board president is also not eligible to serve on the DOC during his term.

C. If for any reason, through recusal or otherwise, there are not enough board members to form a three-person DOC, the board president may appoint any Louisiana-licensed dentists and/or hygienists to serve on the DOC. The only restriction on the licensees to be appointed is that their home address in the board records not be within the same board electoral district as the home address of the licensee being investigated, if the subject of the investigation is a licensee.

D. The board president has discretion regarding whether to request a response from the subject of the complaint prior to sending the complaint to the DOC. If a response is requested, the subject of the complaint shall be given a reasonable amount of time under the circumstances to respond, and if the subject of the complaint responds, the response, along with the complaint and/or a summary of the allegations, shall be sent to the DOC.

E. The subject of the complaint will be provided with a copy of the complaint if a response is requested of the subject of the complaint except in circumstances where the board president in his discretion feels that the complaint should not be provided or that the identity of the person or entity making the complaint should remain confidential.

F. The board president may choose to have some preliminary investigation done prior to sending the matter to the DOC. Generally, this would include, but is not limited to, obtaining patient records for the DOC to review.

G. The complaint, a response from the licensee if one is requested and received, and any investigative materials gathered by the board, are sent to each member of the DOC. Each member then reviews the materials and conducts any research that he feels is appropriate, then makes a recommendation on how he believes the board should proceed in the matter. The recommendation is provided by the DOC member to the executive director of the board. Once all of the recommendations from the DOC member(s) are received by the executive director, the executive director informs the board president of the recommendations. Taking the recommendations into consideration, the board president chooses a course of action for the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 42:56 (January 2016).

### **§803. Recommendations by the Disciplinary Oversight Committee (DOC)**

A. If the subject of the complaint is a licensee or a former licensee, the recommendations of the Disciplinary Oversight Committee ("DOC") can include, but are not limited to, any of the following:

1. send the licensee a letter of concern. This letter of concern is not considered a sanction; it is sent when there is

concern that there may have been a violation, but it is not clear that there has been a violation. The letter of concern is not made public, but is kept in the board records for future reference;

2. additional investigation by the board. If additional investigation is determined by the board president to be appropriate, then the board conducts additional investigation, after which the matter, along with the additional investigation materials, is sent back to the DOC for a second recommendation, which is again provided for determination to the board president;

3. informal resolution via correspondence. The licensee may, via correspondence, be offered an informal settlement of the matter;

4. informal dentist-to-dentist conference. The licensee may be offered the opportunity to meet with members of the DOC on an informal basis to discuss the allegations in the complaint;

5. formal adjudication. If formal adjudication is chosen, a new committee is formed to hear the charges against the licensee and formal charges are filed;

6. take no action against the licensee;

7. refer the complainant to the Louisiana Dental Association's voluntary peer review program and take no action against the licensee;

8. ask a court for injunctive relief. If a former licensee is practicing without a license, this option to ask a court to enjoin the licensee from practicing, along with all of the above options, is available;

9. refer to the authorities for criminal charges.

B. If the complaint is against a non-licensee who has never held a Louisiana license, the recommendations of the DOC can include, but are not limited to any of the following:

1. take no action against the subject of the complaint;

2. asking a court for injunctive relief;

3. refer to the authorities for criminal charges.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 42:56 (January 2016).

### **§805. Informal Dentist-to-Dentist Meeting**

A. If during the investigative phase of matter the option of an informal dentist-to-dentist meeting is chosen by the board, the licensee shall be invited via a correspondence to the informal meeting to meet on an informal basis with the members of the DOC to discuss issues raised by the complaint.

B. The licensee has the option to make an electronic recording of the informal meeting. If the licensee chooses this option, the board is allowed to make its own recording. If the licensee does not choose this option, no recording is to be made. Only electronic recordings are allowed. Due to the informal nature of the meeting, a court reporter or transcriptionist is not allowed in the meeting.

C. The discussions that take place during the informal meeting shall not be used against the licensee if the matter later goes to a formal hearing, unless the licensee chooses the option of electronically recording the meeting, in which case the board will make its own copy of the meeting and will use anything said during the meeting at any subsequent formal proceeding.

D. The meeting is voluntary. The licensee is not required to attend.

E. The meeting is strictly dentist-to-dentist; only the licensee and the DOC members are eligible to be present in the room during the informal meeting.

F. Although only dentists are allowed in the room during the meeting, if the licensee wishes, at any time during the meeting, he may pause the meeting so he can consult his attorney, who is allowed to be present at the board during the meeting, or to call an attorney.

G. The DOC does not have the power to sanction the licensee. It only makes recommendations to the board about how to proceed. If the matter goes to a formal hearing, a second committee will be appointed. Only the second committee has the power to sanction. However, the DOC may attempt to negotiate a settlement with the licensee, which, if agreed to, becomes final and valid only after ratification by the full board. If the full board declines to ratify the settlement, the matter goes back to the DOC for further recommendations.

H. If the licensee and the DOC members negotiate a settlement, the licensee may, but will not be required to, sign the settlement on the same day as the informal meeting. The licensee will be allowed, if he chooses, to take a draft of the settlement home to think about it or to consult an attorney rather than to sign on the day of the informal meeting. If the licensee chooses the option of taking the draft home, he shall be granted at least three business days to consider the settlement offer.

I. If a negotiated settlement occurs during the informal meeting and the licensee is offered a consent decree to settle the matter, prior to the licensee signing the consent decree, the board shall turn over whatever evidence in its possession at the time that it would intend to put into evidence at a formal hearing, if there were to be a formal hearing.

J. If the matter is resolved, subject to board approval, through a consent decree negotiated at the informal meeting or as the result of the informal meeting, the consent decree is treated as a final action by the board, as set forth in R.S. 37:780(B), if ratified by the entire board.

K. If the matter is not resolved to the satisfaction of all parties at the informal meeting, or in the time period after the informal meeting that the licensee has been given to consider a proposed settlement, then, after the board member(s) assigned to conduct the informal meeting have reported to the president of the board, the latter may then determine whatever further action, if any, he deems necessary, including but not limited to formal adjudication.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 42:57 (January 2016).

## **Chapter 9. Formal Adjudication**

### **§903. Initiation of Proceedings**

A. - B. ...

C. When determined by the president that a formal adjudication is warranted, the board president shall appoint a committee of three or more board members to hear and rule on the charges. This committee is referred to as the Disciplinary Committee, and no board member who served on the Disciplinary Oversight Committee during the investigatory phase of the matter being brought to formal

adjudication shall be eligible to serve on the Disciplinary Committee. The board president and any member of the board residing in the same board electoral district as the individual charged shall be ineligible to sit as a member of the Disciplinary Committee. The president shall appoint one member of the Disciplinary Committee to serve as its chairman.

D. If for any reason, through recusal or otherwise, there are not enough board members to form a three-person Disciplinary Committee, the board president may appoint any Louisiana licensed dentists and/or hygienists to serve on the Disciplinary Committee. The only restriction on the licensees to be appointed is that their home address in the board records not be within the same board electoral district as the home address of the licensee being investigated, if the subject of the investigation is a licensee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(4) and (8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 19:1317 (October 1993), amended LR 22:1218 (December 1996), LR 27:1892 (November 2001), LR 39:2752 (October 2013), LR 42:57 (January 2016).

#### **Chapter 11. Provisions for Informal Disposition of Complaints**

##### **§1101. Implementation of the Dental Practice Act to the Extent that it Affects Administrative Procedures of the State Board of Dentistry Pertaining to Informal Disposition of Complaints**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Dentistry, LR 13:178 (March 1987), amended by the Department of Health and Hospitals, Board of Dentistry, LR 19:1321 (October 1993), repealed LR 42:58 (January 2016).

##### **§1103. Initial Review of Complaints**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 19:1321 (October 1993), repealed LR 42:58 (January 2016).

##### **§1105. Procedures**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 19:1321 (October 1993), repealed LR 42:58 (January 2016).

##### **§1107. Consent Decree**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 19:1321 (October 1993), repealed LR 42:58 (January 2016).

Arthur Hickham, Jr.  
Executive Director

1601#004

## **RULE**

### **Department of Health and Hospitals Board of Dentistry**

#### **Dental Hygienists (LAC 46:XXXIII.Chapter 7)**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Dental Practice Act, R.S. 37:751 et seq., and particularly R.S. 37:760(8), the Department of Health and Hospitals, Board of Dentistry has amended LAC 46:XXXIII.710 and 712. In addition, the Department of Health and Hospitals, Board of Dentistry has repealed LAC 46:XXXIII.714.

#### **Title 46**

#### **PROFESSIONAL AND OCCUPATIONAL STANDARDS**

#### **Part XXXIII. Dental Health Profession**

#### **Chapter 7. Dental Hygienists**

#### **§710. Administration of Local Anesthesia for Dental Purposes**

A. ...

B. Competence to administer local anesthesia must be demonstrated to the board by successful completion of a course of study of at least 32 hours of instruction in a formal program in administration of local anesthesia sponsored by an institutional program accredited by the Commission on Dental Accreditation of the American Dental Association and approved by the board. A certificate of course completion and a copy of the syllabus must be submitted to the board for approval. The course must include didactic studies and clinical experience in the administration of long buccal, maxillary and mandibular infiltration anesthesia, mental block anesthesia, lingual nerve block, inferior alveolar nerve block anesthesia, medical history and physical evaluation of the patient, and the prevention, diagnosis, and management of medical emergencies which can be encountered in the dental patient. A minimum of 20 satisfactory injections is required.

C. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1292 (July 1998), amended LR 25:1476 (August 1999), LR 26:1613 (August 2000), repromulgated LR 27:1894 (November 2001), amended LR 27:1892 (November 2001), LR 28:1779 (August 2002), LR 30:2306 (October 2004), LR 33:847 (May 2007), LR 42:58 (January 2016).

#### **§712. Nitrous Oxide Inhalation Analgesia**

A. - C. ...

1. completion of a board-approved course which conforms to American Dental Association guidelines as described in §1503 of these rules; and

C.2. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 37:1407 (May 2011), amended LR 42:58 (January 2016).

**§714. Minimal Educational Requirements for the Granting of Permits to Administer Nitrous Oxide Inhalation Analgesia**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 37:1407 (May 2011), repealed LR 42:59 (January 2016).

Arthur Hickham, Jr.  
Executive Director

1601#003

**RULE**

**Department of Health and Hospitals  
Board of Dentistry**

Dental Practice Address and Mailing Address and  
Portable and Mobile Dentistry Permits  
(LAC 46:XXXIII.304 and 313)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Dental Practice Act, R.S. 37:751 et seq., and particularly R.S. 37:760(8), the Department of Health and Hospitals, Board of Dentistry has amended LAC 46:XXXIII.304 and 313.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part XXXIII. Dental Health Profession**

**Chapter 3. Dentists**

**§304. Address of Dental Practice and Mailing Address**

A. Each dentist shall inform the Louisiana State Board of Dentistry of his official mailing address and all office addresses at which the dentist practices dentistry within 30 days of changing his official mailing address or commencing practice at each location if the dentist practices for more than 30 days in a 1-year period at the new location.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 15:965 (November 1989), amended LR 18:739 (July 1992), LR 23:1525 (November 1997), LR 31:927 (April 2005), LR 42:59 (January 2016).

**§313. Portable and Mobile Dentistry**

A. Definitions

\* \* \*

*Mobile Operator Permit*—an authorization given to a Louisiana licensed dentist for the physical use of a mobile dental clinic or mobile dental unit in which to provide dental services. One mobile operator permit is required for each mobile clinic regardless of the number of dentists who practice in the clinic.

\* \* \*

*Portable Operator*—a dentist licensed in Louisiana providing dental services at a location other than a mobile dental clinic or mobile dental unit and other than a fixed dental office either directly and/or through Louisiana licensed dentist associates. One portable operator permit is required for each set of portable dental equipment regardless

of the number of dentists who work in the portable dental clinic.

\* \* \*

B. - B.3. ...

4. Dentist licensed to practice in Louisiana who limit their mobile or portable practice to taking impressions and delivering mouthguards and removable dentures.

C. Application and Criteria for Permit

1. To operate mobile or portable operations a dentist must be licensed in Louisiana, in good standing with the dental board, and must have a mobile operator permit, a portable operator permit, or both.

C.2. - M.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760 (8), and Act 429 of the Regular Legislative Session of 2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 36:2035 (September 2010), amended LR 37:1406 (May 2011), LR 42:59 (January 2016).

Arthur Hickham, Jr.  
Executive Director

1601#002

**RULE**

**Department of Health and Hospitals  
Bureau of Health Services Financing  
and  
Office of Behavioral Health**

Adult Mental Health Services  
Covered Services and Recipient Qualifications  
(LAC 50:XXXIII.Chapters 61-67)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health have amended LAC 50:XXXIII.Chapters 61-67 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part XXXIII. Behavioral Health Services**

**Subpart 7. Adult Mental Health Services**

**Chapter 61. General Provisions**

**§6101. Introduction**

A. The Medicaid Program provides coverage under the Medicaid State Plan for mental health services rendered to adults with mental health disorders. These services shall be administered under the authority of the Department of Health and Hospitals, in collaboration with the managed care organizations (MCOs), which shall be responsible for the necessary operational and administrative functions to ensure adequate service coordination and delivery.

B. The mental health services rendered to adults shall be necessary to reduce the disability resulting from mental illness and to restore the individual to his/her best possible functioning level in the community.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR

38:358 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 42:59 (January 2016).

### **§6103. Recipient Qualifications**

A. Individuals, 21 years of age and older, who meet Medicaid eligibility and clinical criteria established in §6103.B, shall qualify to receive adult mental health services.

B. Qualifying individuals shall be eligible to receive the following adult mental health services.

1. Licensed mental health professional services are available to adults enrolled in Bayou Health, provided the services are determined to be medically necessary in accordance with LAC 50:I.1101.

a. - b. Repealed.

2. Mental health rehabilitation services are available to adults enrolled in Bayou Health, provided the services are determined to be medically necessary in accordance with LAC 50:I.1101, and the enrollee meets the following conditions:

a. currently presents with mental health symptoms that are consistent with a diagnosable mental disorder specified within the *Diagnostic and Statistical Manual of Mental Disorders (DSM-V)* or the *International Classification of Diseases, Tenth Revision, Clinical Modification (ICD-10)*;

i. - iii. Repealed.

b. has at least a score of two on the level of care utilization system (LOCUS); and

c. has a condition for which services are therapeutically appropriate.

3. - 4. Repealed.

C. An adult who has previously met the criteria stated in §6103.B.2.a-c, but who now meets a composite LOCUS score of one and needs subsequent medically necessary services for stabilization and maintenance, shall be eligible for adult mental health services.

D. An adult with a primary diagnosis of a substance use disorder without an additional co-occurring qualifying mental health diagnosis shall not meet the criteria for mental health rehabilitation services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:358 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:378 (February 2015), LR 42:60 (January 2016).

## **Chapter 63. Services**

### **§6301. General Provisions**

A. All mental health services must be medically necessary, in accordance with the provisions of LAC 50:I.1101. The medical necessity for services shall be determined by a licensed mental health practitioner or physician who is acting within the scope of his/her professional license and applicable state law.

B. ...

C. There shall be recipient involvement throughout the planning and delivery of services.

1. Services shall be:

a. delivered in a culturally and linguistically competent manner; and

b. respectful of the individual receiving services.

2. Services shall be appropriate to individuals of diverse racial, ethnic, religious, sexual, and gender identities and other cultural and linguistic groups.

3. Services shall be appropriate for:

a. age;

b. development; and

c. education.

4. Repealed.

D. Anyone providing mental health services must operate within their scope of practice license.

E. ...

F. Services may be provided at a facility, in the community, or in the individual's place of residence as outlined in the plan of care. Services may be furnished in a nursing facility only in accordance with policies and procedures issued by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:359 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:378 (February 2015), LR 42:60 (January 2016).

### **§6303. Assessments**

A. For mental health rehabilitation services, each enrollee shall be assessed and have a plan of care (POC) developed.

B. Assessments shall be performed by a licensed mental health practitioner (LMHP).

C. Assessments must be performed at least every 365 days or as needed any time there is a significant change to the enrollee's circumstances.

D. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:359 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:378 (February 2015), LR 42:60 (January 2016).

### **§6305. Plan of Care**

A. Each enrollee who receives adult mental health rehabilitation services shall have a POC developed based upon the assessment.

B. The individualized POC shall be developed according to the criteria established by the department and in accordance with the provisions of this Rule, the provider manual and other notices or directives issued by the department.

1. The POC is reviewed at least every 365 days and as needed when there is significant change in the individual's circumstances.

C. The plan of care shall be developed by a case manager who acts as an advocate for the individual and is a source of information for the individual and the team.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:359 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 42:60 (January 2016).

**§6307. Covered Services**

A. The following mental health services shall be reimbursed under the Medicaid Program:

- 1. therapeutic services, including diagnosis and treatment delivered by LMHPs;
- 2. - 3. ...

B. Service Exclusions. The following shall be excluded from Medicaid reimbursement:

- 1. components that are not provided to, or directed exclusively toward the treatment of, the Medicaid eligible individual;
- 2. services provided at a work site which are job tasks oriented and not directly related to the treatment of the recipient’s needs; and
- 3. any services or components in which the basic nature of which are to supplant housekeeping, homemaking, or basic services for the convenience of an individual receiving services.

C. - C.4. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:359 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 42:61 (January 2016).

**Chapter 65. Provider Participation**

**§6501. Provider Responsibilities**

A. Each provider of adult mental health services shall enter into a contract with one or more of the managed care organizations in order to receive reimbursement for Medicaid covered services.

B. All services shall be delivered in accordance with federal and state laws and regulations, the provisions of this Rule, the provider manual, and other notices or directives issued by the department. The provider shall create and maintain documents to substantiate that all requirements are met.

C. Providers of adult mental health services shall ensure that all services are authorized and any services that exceed established limitations beyond the initial authorization are approved for re-authorization prior to service delivery.

D. Anyone providing adult mental health services must be certified by the department, or its designee, in addition to operating within their scope of practice license.

E. Providers shall maintain case records that include, at a minimum:

- 1. a copy of the plan of care and treatment plan;
- 2. - 5. ...
- 6. the goals of the plan of care and/or treatment plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:360 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:378 (February 2015), LR 42:61 (January 2016).

**Chapter 67. Reimbursement**

**§6701. Reimbursement Methodology**

A. Effective for dates of service on or after December 1, 2015, the department, or its fiscal intermediary, shall make monthly capitation payments to the MCOs.

B. The capitation rates paid to the MCOs shall be actuarially sound rates and the MCOs will determine the rates paid to its contracted providers. No payment shall be less than the minimum Medicaid rate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:360 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 42:61 (January 2016).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Kathy H. Kliebert  
Secretary

1601#085

**RULE**

**Department of Health and Hospitals  
Bureau of Health Services Financing**

Facility Need Review  
Outpatient Abortion Facilities  
(LAC 48:I.Chapter 125)

The Department of Health and Hospitals, Bureau of Health Services Financing has amended LAC 48:I.12501 and §12503 and to repeal §12524 in the Medical Assistance Program as authorized by R.S. 36:254. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

**Title 48**

**PUBLIC HEALTH—GENERAL**

**Part I. General Administration**

**Subpart 5. Health Planning**

**Chapter 125. Facility Need Review**

**Subchapter A. General Provisions**

**§12501. Definitions**

A. ...

\* \* \*

*Outpatient Abortion Facility*—Repealed.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:806 (August 1995), amended LR 25:1250 (July 1999), LR 28:2190 (October 2002), LR 30:1023 (May 2004), LR 32:845 (May 2006), LR 34:2611 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:2437 (November 2009), LR 36:323 (February 2010), LR 38:1961 (August 2012), LR 41:135 (January 2015), LR 42:61 (January 2016).

**§12503. General Information**

A. - B. ...

C. The department will also conduct a FNR for the following provider types to determine if there is a need to license additional units, providers or facilities:

1. - 3. ...
  4. hospice providers or inpatient hospice facilities;
  - and
  5. pediatric day health care facilities.
  6. Repealed.
- D. - F.4. ...

G. Additional Grandfather Provision. An approval shall be deemed to have been granted under FNR without review for HCBS providers, ICFs/ID, ADHC providers, hospice providers, and pediatric day health care centers that meet one of the following conditions:

1. - 3. ...
4. hospice providers that were licensed, or had a completed initial licensing application submitted to the department, by March 20, 2012; or
5. pediatric day health care providers that were licensed by the department before March 1, 2014, or an entity that meets all of the following requirements:
  - a. has a building site or plan review approval for a PDHC facility from the Office of State Fire Marshal by March 1, 2014;
  - b. has begun construction on the PDHC facility by April 30, 2014, as verified by a notarized affidavit from a licensed architect submitted to the department, or the entity had a fully executed and recorded lease for a facility for the specific use as a PDHC facility by April 30, 2014, as verified by a copy of a lease agreement submitted to the department;
  - c. submits a letter of intent to the department's Health Standards Section by April 30, 2014, informing the department of its intent to operate a PDHC facility; and
  - d. becomes licensed as a PDHC by the department no later than December 31, 2014.
6. - 6.d. Repealed.

H. - H.2. ...  
 AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116.

HISTORICAL NOTE: Repealed and repromulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:808 (August 1995), amended LR 28:2190 (October 2002), LR 30:1483 (July 2004), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 34:2612 (December 2008), amended LR 35:2437 (November 2009), LR 36:323 (February 2010), LR 38:1961 (August 2012), LR 41:136 (January 2015), LR 42:61 (January 2016).

**Subchapter B. Determination of Bed, Unit, Facility or Agency Need**

**§12524. Outpatient Abortion Facilities**

Repealed.  
 AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116.  
 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1961 (August 2012), repealed LR 42:62 (January 2016).

Kathy H. Kliebert  
 Secretary

1601#086

**RULE**  
**Department of Health and Hospitals**  
**Bureau of Health Services Financing**  
**and**  
**Office for Citizens with Developmental Disabilities**

Home and Community-Based Services Waivers  
 Residential Options Waiver  
 Reserved Capacity Group  
 (LAC 50:XXI.16107, 16343, 16701 and 16901)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities have amended LAC 50:XXI.16107, §16343, §16701 and §16901 under the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

**Title 50**  
**PUBLIC HEALTH—MEDICAL ASSISTANCE**  
**Part XXI. Home and Community-Based Services**  
**Waivers**

**Subpart 13. Residential Options Waiver**  
**Chapter 161. General Provisions**

**§16107. Programmatic Allocation of Waiver Opportunities**

- A. - C. ...
- D. Individuals with intellectual and developmental disabilities (I/DD) who have a statement of approval (SOA) through the Office for Citizens with Developmental Disabilities (OCDD), and who currently receive services via the Office of Aging and Adult Services (OAAS) Community Choices Waiver (CCW) or Adult Day Health Care (ADHC) Waiver programs shall be placed in a reserved capacity group to allow for transition into the ROW.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2441 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2155 (October 2015), LR 42:62 (January 2016).

**Chapter 163. Covered Services**  
**§16343. Adult Day Health Care Services**

- A. Adult day health care (ADHC) services shall be furnished as specified in the POC and at an ADHC facility in a non-institutional, community-based setting encompassing health, medical, and social services needed to ensure the optimal functioning of the participant.
- B. ADHC services include:
  1. transportation between the participant's place of residence and the ADHC, in accordance with licensing standards;
  2. assistance with activities of daily living;
  3. health and nutrition counseling;
  4. an individualized exercise program;

5. an individualized goal-directed recreation program;
6. health education classes;
7. individualized health/nursing services; and
8. meals.

a. Meals shall not constitute a full nutritional regimen (three meals per day), but shall include a minimum of two snacks and a hot, nutritious lunch.

C. The number of participants included in the service per day shall be determined by the facility's licensed capacity and attendance. The average capacity per facility is 49 participants.

D. Nurses shall be involved in the participant's service delivery as specified in the POC or as needed. The ADHC shall develop an individualized service plan based on the participant's POC. If the individualized service plan requires certain health and nursing services, the nurse on staff shall ensure that the services are delivered while the participant is at the ADHC facility.

E. ADHC services shall be provided no more than 10 hours per day and no more than 50 hours per week.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 42:62 (January 2016).

#### **Chapter 167. Provider Participation**

##### **§16701. General Provisions**

A. - F. ...

G. Providers of ADHC services must:

1. be licensed as ADHC providers by the state of Louisiana in accordance with R.S. 40:2120.41-2120.47;

2. comply with all of the department's rules and regulations; and

3. be enrolled as an ADHC provider with the Medicaid program.

a. ADHC facility staff shall meet the requirements of department rules and regulations, as well as state licensing provisions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2455 (November 2007) , amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2168 (October 2015), LR 42:63 (January 2016).

#### **Chapter 169. Reimbursement**

##### **§16901. Reimbursement Methodology**

A. - A.5.f. ...

6. support coordination;

7. - 7.a. ...

b. micro-enterprise; and

8. adult day health care.

B. - L.1.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2456 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 39:1049 (April 2013), LR 41:2168 (October 2015), LR 42:63 (January 2016).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Kathy H. Kliebert  
Secretary

1601#087

#### **RULE**

#### **Department of Health and Hospitals Bureau of Health Services Financing**

Nursing Facilities  
Non-State Governmental Organizations  
Supplemental Payments  
(LAC 50:II.20029)

The Department of Health and Hospitals, Bureau of Health Services Financing has adopted LAC 50:II.20029 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

#### **Title 50**

#### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

#### **Part II. Nursing Facilities**

#### **Subpart 5. Reimbursement**

#### **Chapter 200. Reimbursement Methodology**

##### **§20029. Supplemental Payments**

A. Non-State Governmental Organization Nursing Facilities

1. Effective for dates of service on or after January 20, 2016, any nursing facility that is owned or operated by a non-state governmental organization (NSGO), and that has entered into an agreement with the department to participate, shall qualify for a Medicaid supplemental payment adjustment, in addition to the uniform Medicaid rates paid to nursing facilities. The only qualifying nursing facilities effective for January 20, 2016 are:

a. Gueydan Memorial Guest Home;

b. Lane Memorial Hospital Geriatric Long-Term Care (LTC);

c. LaSalle Nursing Home;

d. Natchitoches Parish Hospital LTC Unit; and

e. St. Helena Parish Nursing Home.

2. The supplemental Medicaid payment to a non-state, government-owned or operated nursing facility shall not exceed the facility's upper payment limit (UPL) pursuant to 42 CFR 447.272.

3. Payment Calculations. The Medicaid supplemental payment adjustment shall be calculated as follows. For each state fiscal year (SFY), the Medicaid supplemental payment shall be calculated as the difference between:

a. the amount that the department reasonably estimates would have been paid to nursing facilities that are owned or operated by a NSGO using the Medicare resource utilization groups (RUGs) prospective payment system. For each Medicaid resident that is in a nursing facility on the last day of a calendar quarter, the minimum data set (MDS)

assessment that is in effect on that date is classified using the Medicare RUGs system. The Medicare rate applicable to the Medicare RUG, adjusted by the Medicare geographic wage index, equals the Medicaid resident's estimated Medicare rate. A simple average Medicare rate is determined for each nursing facility by summing the estimated Medicare rate for each Medicaid resident in the facility and dividing by total Medicaid residents in the facility; and

b. the Medicaid per diem rate for nursing facilities that are owned or operated by a NSGO. The Medicaid rate shall be adjusted to include laboratory, radiology, and pharmacy services to account for program differences in services between Medicaid and Medicare. The statewide average of laboratory, radiology, and pharmacy services is calculated using Medicaid cost report data.

4. Each participating nursing facility's upper payment limit (UPL) gap shall be determined as the difference between the estimated Medicare rate calculated in §20029.A.3.a and the adjusted Medicaid rate calculated in §20029.A.3.b.

a. Each facility's UPL gap is multiplied by the Medicaid days to arrive at its supplemental payment amount. Medicaid days are taken from the Medicaid cost report.

5. Frequency of Payments and Calculations

a. For each calendar quarter, an estimated interim supplemental payment will be calculated as described in this Section utilizing the latest Medicare RUGs and payment rates and Medicaid cost reports and available Medicaid payment rates. Payments will be made to each nursing facility that is owned or operated by a NSGO and that has entered into an agreement with the department to participate in the supplemental payment program.

b. Following the completion of the state's fiscal year, the final supplemental payment amount for the state fiscal year just ended will be calculated. These calculations will be based on the final Medicare RUGs and payment rates and the most recently reviewed Medicaid cost reports and Medicaid payment rates that cover the just ended state fiscal year period. The final supplemental payment calculations will be compared to the estimated interim supplemental payments, and the difference, if positive, will be paid to the NSGO, and if negative, collected from the NSGO.

6. No payment under this Section is dependent on any agreement or arrangement for provider or related entities to donate money or services to a governmental entity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:63 (January 2016).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Kathy H. Kliebert  
Secretary

1601#088

**RULE**

**Department of Health and Hospitals  
Office of Behavioral Health**

**Drug Regulations  
Opioid Antagonist Administration  
(LAC 48:I.3901)**

The Department of Health and Hospitals, Office of Behavioral Health has adopted LAC 48:I.3901 governing opioid antagonist administration and training as authorized by R.S. 40:978.2. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. Act 192 of the 2015 Regular Session of the Louisiana Legislature provides for the creation of R.S. 40:978.2, which requires the Department of Health and Hospitals, Office of Behavioral Health to adopt provisions governing the best practices, training, storage, administration, and emergency follow-up procedures for opioid antagonists administered to individuals who are undergoing or who are believed to be undergoing an opioid-related drug overdose.

**Title 48**

**PUBLIC HEALTH—GENERAL**

**Part I. General Administration**

**Subpart 1. General**

**Chapter 39. Controlled Dangerous Substances**

**Subchapter A. Training and Monitoring Requirements**

**§3901. Opioid Antagonist Administration and Training**

**A. Purpose and Applicability**

1. Pursuant to R.S. 40:978.2, to protect public health and safety, the Department of Health and Hospitals sets forth the following training and monitoring requirements for a licensed medical practitioner who prescribes, dispenses, or administers naloxone or another opioid antagonist to a person reasonably believed to be undergoing an opioid-related drug overdose.

2. Training and monitoring requirements of this Rule shall apply to licensed medical practitioners when dispensing or distributing opioid antagonists to third parties who will be administering the medication. Training shall include how to recognize signs of overdose indicating when it is appropriate to utilize naloxone or another opioid antagonist, standards for storage and administration of the medication, and instructions for emergency follow-up procedures.

3. First responders as defined in R.S. 40:978.1 are exempt from the training requirements as detailed in this Rule.

4. Prescribers are strongly encouraged to co-prescribe naloxone or another opioid antagonist once in a given year to persons receiving opioid therapy for greater than 14 days.

**B. Definitions**

*Department*—the Department of Health and Hospitals.

*Licensed Medical Practitioner*—a physician or other healthcare practitioner licensed, certified, registered, or otherwise authorized to perform specified healthcare services consistent with state law.

*Opioid Antagonist*—agents such as naloxone that have high affinity and bind to opiate receptors but do not activate these receptors. This effectively blocks the receptor, preventing the body from responding to opioids and endorphins. These drugs block the effects of externally administered opioids.

*Opioid-Related Overdose*—a condition including extreme physical illness, decreased level of consciousness, respiratory depression, coma, or the ceasing of respiratory or circulatory function resulting from the consumption or use of an opioid, or another substance with which an opioid was combined.

*SAMHSA*—the Substance Abuse and Mental Health Services Administration.

*Toolkit*—the SAMHSA opioid overdose toolkit. Reference available online through SAMHSA’s website.

### C. Training Requirements

1. At minimum, licensed medical practitioners shall provide the following information and training regarding signs of overdose when prescribing, distributing, or dispensing an opioid antagonist.

a. Signs of overdose, which often results in death if not treated, include:

- i. face is extremely pale and/or clammy to the touch;
- ii. body is limp;
- iii. fingernails or lips have a blue or purple cast;
- iv. the patient is vomiting or making gurgling noises;
- v. he or she cannot be awakened from sleep or is unable to speak;
- vi. breathing is very slow or stopped;
- vii. heartbeat is very slow or stopped.

b. Signs of overmedication, which may progress to overdose, include:

- i. unusual sleepiness or drowsiness;
- ii. mental confusion, slurred speech, intoxicated behavior;
- iii. slow or shallow breathing;
- iv. pinpoint pupils;
- v. slow heartbeat, low blood pressure; and
- vi. difficulty waking the person from sleep.

c. For additional guidance and information, please reference the most recent version of the SAMHSA opioid overdose toolkit.

2. At minimum, licensed medical practitioners shall provide the following information and training regarding storage and administration when prescribing, distributing, or dispensing an opioid antagonist:

- a. instructions on storage of the opioid antagonist in accordance with the manufacturer instructions;
- b. instructions on administration of the opioid antagonist in accordance with the instructions printed on or distributed with the device by the manufacturer.

3. At minimum, licensed medical practitioners shall provide the following information and training regarding emergency and follow-up procedures when dispensing or prescribing an opioid antagonist.

a. Prior to administration, the person administering the opioid antagonist shall immediately call 9-1-1 for emergency medical services if medical assistance has not yet been sought or is not yet present.

b. After calling for emergency services and administering the opioid antagonist, emergency follow-up procedures shall be conducted in accordance with the guidelines set forth in the SAMHSA opioid overdose toolkit.

c. Upon stabilization by emergency medical services, the treating practitioner shall refer the patient to and offer information regarding substance use treatment services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:978.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Behavioral Health, LR 42:64 (January 2016).

Kathy H. Kliebert  
Secretary

1601#092

## RULE

### Department of Insurance Office of the Commissioner

#### Regulation 51—Individual Health Insurance Rating Requirements (LAC 37:XIII.Chapter 27)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., has repealed Regulation 51—Individual Health Insurance Rating Requirements.

#### Title 37

#### INSURANCE

#### Part XIII. Regulations

#### Chapter 27. Regulation 51—Individual Health Insurance Rating Requirements

#### §2701. Purpose

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Act 655 of the 1993 Regular Legislative Session and R.S. 22:10 and 22:228.6.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 20:314 (March 1994), amended LR 21:1338 (December 1995), repealed LR 42:65 (January 2016).

#### §2703. Applicability and Scope

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Act 655 of the 1993 Regular Legislative Session and R.S. 22:10 and 22:228.6.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 20:314 (March 1994), amended LR 21:1338 (December 1995), repealed LR 42:65 (January 2016).

#### §2705. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Act 655 of the 1993 Regular Legislative Session and R.S. 22:10 and 22:228.6.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 20:314 (March 1994), amended LR 21:1338 (December 1995), repealed LR 42:65 (January 2016).

**§2707. Restrictions on Premium Rates**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Act 655 of the 1993 Regular Legislative Session and R.S. 22:10 and 22:228.6.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 20:314 (March 1994), amended LR 21:1338 (December 1995), repealed LR 42:66 (January 2016).

**§2709. General Provisions**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Act 655 of the 1993 Regular Legislative Session and R.S. 22:10 and 22:228.6.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 20:314 (March 1994), amended LR 21:1338 (December 1995), repealed LR 42:66 (January 2016).

James J. Donelon  
Commissioner

1601#025

**RULE**

**Department of Insurance  
Office of the Commissioner**

**Regulation 52—Small Group Health Insurance  
Rating Requirements (LAC 37:XIII.Chapter 29)**

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., has repealed Regulation 52—Small Group Health Insurance Rating Requirements.

**Title 37  
INSURANCE**

**Part XIII. Regulations**

**Chapter 29. Regulation 52—Small Group Health  
Insurance Rating Requirements**

**§2901. Purpose**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Act 655 of the 1993 Regular Legislative Session and R.S. 22:10, 22:228.2, and 22:228.6.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 20:315 (March 1994), amended LR 21:1338 (December 1995), repealed LR 42:66 (January 2016).

**§2903. Applicability and Scope**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Act 655 of the 1993 Regular Legislative Session and R.S. 22:10, 22:228.2, and 22:228.6.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 20:315 (March 1994), amended LR 21:1338 (December 1995), repealed LR 42:66 (January 2016).

**§2905. Definitions**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Act 655 of the 1993 Regular Legislative Session and R.S. 22:10, 22:228.2, and 22:228.6.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 20:315 (March 1994), amended LR 21:1338 (December 1995), repealed LR 42:66 (January 2016).

**§2907. Restrictions on Premium Rates**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Act 655 of the 1993 Regular Legislative Session and R.S. 22:10, 22:228.2, and 22:228.6.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 20:315 (March 1994), amended LR 21:1338 (December 1995), repealed LR 42:66 (January 2016).

**§2909. General Provisions**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Act 655 of the 1993 Regular Legislative Session and R.S. 22:10, 22:228.2, and 22:228.6.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 20:315 (March 1994), amended LR 21:1338 (December 1995), repealed LR 42:66 (January 2016).

James J. Donelon  
Commissioner

1601#026

**RULE**

**Department of Revenue  
Office of Alcohol and Tobacco Control**

**Regulation IX—Prohibition of Certain  
Unfair Business Practices (LAC 55:VII.317)**

Under the authority of R.S. 26:150 and in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., the Department of Revenue, Office of Alcohol and Tobacco Control, has amended LAC 55:VII.317 relative to unfair business practices.

This amendment to the above-referenced Rule is offered under authority of R.S. 26:150 to promulgate rules relative to unfair business practices to provide for regulations for the use of advertisements (including social media advertisements), sponsorships, retailer trade associations, third-party promotional companies, reasonable retail entertainment and events at unlicensed venues.

**Title 55**

**PUBLIC SAFETY**

**Part VII. Alcohol and Tobacco Control**

**Subpart 1. Beer and Liquor**

**Chapter 3. Liquor Credit Regulations**

**§317. Regulation IX—Prohibition of Certain Unfair  
Business Practices**

**A. Definitions**

*Advertisement*—includes any written or verbal statement, illustrations, or depiction which is in, or calculated to induce sales in, interstate or foreign commerce, or is disseminated by mail, whether it appears in a newspaper, magazine, trade booklet, menu, wine card, leaflet, circular, mailer, book insert, catalog, promotional material, sales pamphlet, or in any written, printed, graphic,

or other matter accompanying the bottle, representations made on cases or in any billboard, sign, other outdoor display, public transit card, other periodical literature, publication, or in a radio or television broadcast, or in any other media; except that such term shall not include:

a. any label affixed to any bottle of distilled spirits or container or wine or malt beverages; or any individual covering carton, or other container of the bottle or container which constitute a part of the labeling under federal law and regulations; or

b. any editorial or other reading material (*i.e.* news release) in any periodical or publication or newspaper for the publication of which no money or valuable consideration is paid or promised, directly or indirectly, by any permittee, and which is not written by or at the direction of the permittee.

\* \* \*

*Retailer Trade Association*—an association or similar designation with a majority of its members holding a state retail alcoholic beverage permit that is registered and in good standing with the Louisiana secretary of state as a non-profit entity who has applied with and received approval from the Internal Revenue Service as a 501(c)(6) tax exempt organization in good standing.

*Social Media Advertisement*—any advertisement disseminated by social network services, video sharing sites, blogs, microblogs, links and quick response codes.

\* \* \*

B. - C.2.b.iii. ...

c. Outside Signs. The furnishing of outside signs by an industry member to licensed retail dealers is prohibited. It is unlawful for an industry member to, directly or indirectly, give, rent, loan, sell or in any other manner provide a retail dealer with any form of outside signage except as expressly allowed by the alcoholic beverage control laws and regulations.

i. This prohibition shall not be construed to apply to any advertising, branding or labeling artwork that is smaller than, proportionate in size and affixed to any equipment supplied to the holder of a type A, B, or C special event permit holder in accordance with Subsection F of Section 323 of this Chapter.

d. - e.vi. ...

vii. In conjunction with events held on regular licensed retail premises, all restrictions on advertising and signage will remain in full force and effect, except that temporary paper signs and posters may be used inside the premises to advertise the event for not more than 31 days prior to the event. A wholesaler or manufacturer may list the name and address of one or more retail dealers and the date and time of one or more events in a social media advertisement for not more than 31 days prior to the event provided that:

(a). the social media advertisement does not also contain the retail price for any product;

(b). the retail dealer shall not provide the industry member with anything of value as a condition to having its business listed in the social media advertisement; and

(c). the wholesaler or manufacturer does not directly or indirectly, incur any cost or expend anything of value in connection with the social media advertisement.

f. - h.v. ...

vi. A wholesaler or manufacturer may promote a sampling event by listing the name and address of one or more retail dealers and the date and time of one or more sampling events in a social media advertisement for not more than 31 days prior to the sampling provided that:

(a). the social media advertisement does not also contain the retail price for any product;

(b). the retail dealer shall not provide the industry member with anything of value as a condition to having its business listed in the social media advertisement; and

(c). the wholesaler or manufacturer does not directly or indirectly, incur any cost or expend anything of value in connection with the social media advertisement.

vii. Industry members may use a third-party promotional company to conduct product samplings under the following conditions:

(a). the industry member has a written contractual agreement with the third-party promotional company that clearly defines the scope of the activities to be conducted by the promotional company on behalf of the industry member and the contractual agreement is provided to the office of alcohol and tobacco control prior to any representation by the third-party promotional company on behalf of the licensed industry member;

(b). the third-party promotional company shall comply with all provisions of the alcoholic beverage control laws and regulations including, but not limited to, the provisions of this Section;

(c). violations of the alcoholic beverage control laws or regulations by a third-party promotional company or any of its representatives shall be considered the industry member's act for purposes of penalties or suspension or revocation of the industry member's alcoholic beverage permit;

(d). the third-party promotional company shall not be directly or indirectly owned, created, operated, inappropriately influenced, or controlled by an alcoholic beverage retail dealer licensed by the state of Louisiana or any person holding an interest therein;

(e). the industry member or third-party promotional company shall not give the retail dealer anything of value, unless otherwise allowed in the alcoholic beverage control laws and regulations;

(f). the name and permit number of the industry member and the name of the third-party promotional company shall be provided on all documents required to be submitted to the office of alcohol and tobacco control by this Section;

(g). the industry member shall ensure that all agents of the third-party promotional company possess valid Louisiana responsible vendor certifications prior to conducting any samplings of alcoholic beverages on the industry member's behalf;

(h). the third-party promotional company shall not offer for sale or solicit any orders for the sale of any alcoholic beverages produced or supplied by the industry member; and

(i). any sampling conducted by a third-party promotional company on behalf of an industry member shall count as a sampling conducted by the industry member.

i. - n.viii. ...

o. Retail Trade Associations. Industry members may participate in the activities of a retailer-affiliated trade association, as defined in this Section, only in the following ways:

i. by advertising in convention publications and/or programs, if the advertising fees are the same rate offered to all other participants at the event;

ii. by being an associate member;

iii. by renting display booth space if the rental fee is the same as paid by all exhibitors at the event;

iv. by purchasing tickets to functions and paying registration fees if the payments or fees are the same as paid by all attendees, participants or exhibitors at the event;

v. by exhibiting their products and offering single serve portions of their products at no cost for immediate consumption on the premises of the exhibition without having to obtain a special event permit;

vi. all state and parish or municipal excise taxes due shall be paid prior to the provision of any products for consumption at exhibition events;

vii. the industry member shall provide the Office of Alcohol and Tobacco Control with written notice of the location, date(s) and time(s) it intends to exhibit any product no less than five business days prior to the exhibition; and

viii. the industry member's participation with a retailer trade association shall not benefit one or more of the trade association's members to the exclusion, in whole or in part, of the other retail members.

p. Reasonable Retail Entertainment. The furnishing of food and beverages, entertainment and recreation by an industry member to a retail dealer or its owners, officers, members, directors, stockholders, employees, agents, managers, or subsidiaries is prohibited except under all of the following conditions:

i. the value of food, beverages, entertainment and recreation shall not exceed \$500 per person on only one occasion per week;

ii. the providing industry member must accompany the receiving retail member to the event at which the food, beverages, entertainment and/or recreation are provided;

iii. in the course of providing food, beverages, entertainment or recreation under this Rule, upper tier industry members may only furnish local transportation;

iv. food, beverages, recreation and entertainment may also be provided during attendance at a convention, conference, or similar event so long as the primary purpose for the attendance of the retailer at such event is not to receive benefits under this regulation; and

v. each industry member shall keep complete and accurate business records and/or other documents reflecting all expenses incurred for retailer entertainment for two years.

q. Events at Unlicensed Venues. The provisions of R.S. 26:287 and this Section shall not be construed to prohibit an alcoholic beverage manufacturer, wholesale dealer or retail dealer from sponsoring, providing sponsorship signs, promoting or advertising an alcoholic beverage brand or product, or purchasing, displaying, and/or transmitting indoor or outdoor signs or other advertising and marketing products at a premises that does not hold a retail alcoholic beverage permit, or for any event at such premises,

by agreement with the owner, operator, promoter, lessee, a party with a right of use, or management company of the unlicensed venue if all alcoholic beverages are sold and/or served at the premises by a person holding a class A-caterer's permit issued in accordance with these regulations and all of the following conditions apply:

i. the caterer is engaged to provide food and beverage concession services pursuant to a written agreement with the owner, operator, promoter, lessee or management company of the premises where alcoholic beverages are sold and/or served;

ii. the caterer receives no monetary benefit, directly or indirectly by any scheme or device or in any form or degree from the manufacturer, wholesaler, or retailer in connection with the provision or purchase of sponsorship, signs, advertising or marketing products from the owner, operator, promoter, lessee, party with a right of use, or management company of the premises. The provision of indoor or outdoor signs or other advertising or marketing products, including mobile dispensing equipment which display the name, logo, or other branding of an alcoholic beverage manufacturer, or wholesaler pursuant to an advertising or sponsorship agreement with the owner, operator promoter, lessee, a party with a right of use or management company of the premises, and the use of proceeds of a manufacturer's, or wholesaler's, purchase of indoor or outdoor signs or other advertising and marketing products from the owner, operator, promoter, lessee, a party with a right of use or management company of the premises conducting events to enhance or otherwise benefit an event or the venue conducting events shall not be construed to be a direct or indirect monetary benefit to the caterer or any retail dealer located on or around the premises of the event or venue;

iii. the caterer is not owned, in whole or in part, by the owner, operator, promoter, lessee or management company of the premises, or a subsidiary, agent or manager of the event or premises that is a direct recipient of such monetary benefit as defined in this Subparagraph;

iv. the owner, operator, promoter, lessee or management company of the premises shall not directly or indirectly control or otherwise influence the quantity or brand of alcoholic beverages bought or sold by the caterer unless the caterer is owned, in whole or in part, by the owner of the premises who is not the direct recipient of such monetary benefit as defined in this Subparagraph; and

v. no part of the cost of an advertisement, sponsorship or promotion authorized by this subparagraph may be charged to or paid by a wholesale dealer unless the wholesaler either contracts directly with the owner, operator, promoter, lessee or management company of the unlicensed premises for the advertisement, sponsorship, or promotion or the wholesaler is a party to the advertising, sponsorship or promotion agreement between the manufacturer and the owner, operator, promoter, lessee or management company of the unlicensed premises.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:150.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Alcoholic Beverage Control, LR 4:463 (November 1978), amended LR 5:11 (January 1979), amended by the Department of Public Safety and Corrections, Office of

Alcoholic Beverage Control, LR 17:607 (June 1991), LR 20:671 (June 1994), amended by the Department of Revenue and Taxation, Office of Alcoholic Beverage Control, LR 22:116 (February 1996), LR 26:2631 (November 2000), LR 28:1484 (June 2002), LR 31:1344 (June 2005), amended by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 35:89 (January, 2009), LR 38:1286 (May 2012), LR 38:2938 (November 2012), LR 42:66 (January 2016).

Troy Hebert  
Commissioner

1601#089

## **RULE**

### **Department of State Business Services Division**

#### **Foreign Corporations Penalty Schedule (LAC 19:V.701 and 703)**

Pursuant to the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), and under the authority of R.S. 12:314.1 and R.S. 36:742, the secretary of state has adopted a penalty schedule for foreign corporations transacting business in this state without a valid certificate of authority from the Department of State.

#### **Title 19**

#### **CORPORATION AND BUSINESS**

#### **Part V. Secretary of State**

#### **Subpart 3. Foreign Corporations**

#### **Chapter 7. Foreign Corporations Not Registered with the Department of State**

#### **§701. Notification of Foreign Corporation Not Registered with the Department of State**

A. When the Department of State is made aware that a foreign corporation is transacting business in this state without a valid certificate of authority, the secretary of state shall notify the foreign corporation by certified mail (return receipt requested) that a certificate of authority is required and must be obtained within 30 days of receipt of the notification.

B. If the foreign corporation does not comply and obtain the certificate of authority within the 30-day period after notification, the Department of State shall investigate the foreign corporation and determine the penalty to be assessed in accordance with the penalty schedule detailed in §703. The foreign corporation shall be notified by certified mail (return receipt requested) that the penalty has been assessed and will have 60 days in which to pay the penalty to the Department of State.

C. If the foreign corporation does not pay the penalty as assessed within the 60-day period, the secretary of state shall notify the attorney general to institute proceedings against the foreign corporation to collect such penalty.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 12:314.1 and R.S. 36:742.

**HISTORICAL NOTE:** Promulgated by the Department of State, Business Services Division, LR 42:69 (January 2016).

#### **§703. Foreign Corporation Penalty Schedule**

A. The secretary of state hereby adopts the following penalty schedule for foreign corporations transacting business in this state without a valid certificate of authority.

1. For a foreign corporation transacting business in the state for less than one year, the penalty fee shall be \$500.

2. For a foreign corporation transacting business in the state for greater than one year but less than three years, the penalty fee shall be \$750.

3. For a foreign corporation transacting business in the state for greater than three years, the penalty fee shall be \$1,000.

B. The acceptable forms of payment are: check, money orders, cashier's check, and credit card. For any check returned to the department as NSF, there will be a charge of \$25. There will be a \$5 service charge for payments by credit card. Payment shall either be hand delivered to the department (Business Services Division, Twelve United Plaza, 8585 Archives Avenue, Baton Rouge, LA) or mailed to the department (Department of State, Business Services Division, P.O. Box 94125, Baton Rouge, LA 70804-9095).

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 12:314.1 and R.S. 36:742.

**HISTORICAL NOTE:** Promulgated by the Department of State, Business Services Division, LR 42:69 (January 2016).

Tom Schedler  
Secretary of State

1601#041

## **RULE**

### **Department of the Treasury Board of Trustees of the Louisiana State Employees' Retirement System**

#### **Limitation on Earnings (LAC 58:I.2513)**

The Department of the Treasury, Board of Trustees of the Louisiana State Employees' Retirement System ("LASERS") has repealed of LAC 58:I.2513 in its entirety. A review of the rule showed that it was repetitive and potentially confusing. Because the rule essentially duplicated the provisions of the statutory law enumerated in R.S. 11:221 concerning a limitation on earnings, a repeal of §2513 has streamlined and simplified LASERS disability rules.

#### **Title 58**

#### **RETIREMENT**

#### **Part I. Louisiana State Employees' Retirement System Chapter 25. Procedures for Processing Disability Applications**

#### **§2513. Limitation on Earnings**

Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 11:515.

**HISTORICAL NOTE:** Promulgated by the Department of the Treasury, Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 24:1959 (October 1998), LR 27:1581 (September 2001), LR 38:836 (March 2012), repealed LR 42:69 (January 2016).

Cindy Rougeou  
Executive Director

1601#053

**RULE**

**Department of the Treasury  
Board of Trustees of the  
Municipal Police Employees' Retirement System**

**Vesting of Benefits on Plan Termination  
(LAC 58:XVIII.105)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 11:2225(B), the Board of Trustees of the Municipal Police Employees' Retirement System has adopted §105 of Chapter 1 of Part XVIII, included in Title 58, Retirement, of the *Louisiana Administrative Code*. The Rule reiterates that a member's accrued benefits are non-forfeitable to the extent funded upon termination of the Municipal Police Employees' Retirement System and assures that the Municipal Police Employees' Retirement System will remain a tax-qualified retirement plan under the United States *Internal Revenue Code* and the regulations thereunder.

**Title 58  
RETIREMENT**

**Part XVIII. Municipal Police Employees' Retirement System**

**Chapter 1. Internal Revenue Code Provisions**

**§105. Vesting of Benefits at Plan Termination**

A. In the event of termination or partial termination of the system's pension plan, accrued benefits of affected members shall become vested and nonforfeitable to the extent funded as of the date of the termination or partial termination of the plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:2225(B).

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Municipal Police Employees' Retirement System, LR 42:70 (January 2016).

Kathy Bourque  
Director

1601#036

**RULE**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

**Removal of Abandoned Crab Traps (LAC 76:VII.367)**

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 56:322(N), the Wildlife and Fisheries Commission has amended LAC 76:VII.367 to temporarily close a portion of state inside waters to the use of crab traps in order to facilitate the removal of abandoned crab traps in these waters.

The Wildlife and Fisheries Commission has amended the provisions in LAC 76:VII.367 governing the locations of temporary crab trap closures to address problems in portions of state waters resulting from large numbers of abandoned and derelict crab traps (*Louisiana Register*, Volume 30, Number 1; Volume 31, Number 1; Volume 32, Number 2;

Volume 33, Number 1; Volume 34, Number 1; Volume 36; Number 1; Volume 38, Number 1; Volume 38, Number 12; Volume 40, Number 1). The Wildlife and Fisheries Commission has amended the provisions to describe a new portion of state waters to be temporarily closed to the use of crab traps for the purpose of conducting a crab trap cleanup.

**Title 76**

**WILDLIFE AND FISHERIES**

**Part VII. Fish and Other Aquatic Life**

**Chapter 3. Saltwater Sport and Commercial Fishery**

**§367. Removal of Abandoned Crab Traps**

A. The use of crab traps shall be prohibited from 6 a.m., Friday, February 12, 2016 through 6 a.m. Sunday, February 21, 2016 within that portion of Jefferson Parish, Orleans Parish, St. Bernard Parish, and St. Tammany Parish as described below:

1. from a point originating from the intersection of the Lake Pontchartrain Causeway Bridge and the southern shoreline of Lake Pontchartrain; thence eastward along the southern shoreline of Lake Pontchartrain to Chef Menteur Pass; thence southward along the western shoreline of Chef Menteur Pass to Lake Borgne; thence due south a distance of one-half mile from the Lake Borgne shoreline; thence eastward and then northward a distance of one-half mile from the Lake Borgne shoreline to a point due east of Catfish Point; thence northwesterly across Rigolets Pass to the southeastern most point of land on Hog Island; thence westward along the northern shoreline of Rigolets Pass to its intersection with U.S. Highway 90; thence northward along U.S. Highway 90 to its intersection with U.S. Highway 190 (Fremaux Avenue); thence westerly along U.S. Highway 190 to Military Road; thence northward on Military road to U.S. Highway 190 (Gause Boulevard); thence westward on U.S. Highway 190 (Gause Boulevard) to Causeway Boulevard; thence southward along Causeway Boulevard and then the Lake Pontchartrain Causeway Bridge and terminating at its intersection with the southern shoreline of Lake Pontchartrain.

B. The use of crab traps shall be prohibited from 6 a.m., Friday, February 19, 2016 through 6 a.m. Sunday, February 28, 2016 within that portion of Lafourche Parish, Jefferson Parish, Plaquemines Parish, and Cameron Parish as described below:

1. from a point originating from the intersection of the Gulf Intracoastal Waterway and the northern shoreline of Hero Canal; thence due north to a point along the northern shoreline of the Gulf Intracoastal Waterway; thence southward and then westward along the northern shoreline of the Gulf Intracoastal Waterway to a point opposite the western shoreline of Bayou Perot; thence due south to the western shoreline of Bayou Perot; thence southward along the western shoreline of Bayou Perot to Little Lake; thence southward along the western shoreline of Little Lake to 29 degrees, 30 minutes, 00 seconds north latitude; thence eastward along 29 degrees, 30 minutes, 00 seconds north latitude to the eastern shoreline of Wilkinson Canal; thence northward along the eastern shoreline of Wilkinson Canal to its termination; thence due north to the western shore of the Mississippi River; thence northwestward along the western shore of the Mississippi River to a point due east of the northern shoreline of Hero Canal; thence due west to the

northern shoreline of Hero Canal; thence westward along the northern shoreline of Hero Canal and terminating at its intersection with the Gulf Intracoastal Waterway;

2. from a point originating from the intersection of the southern side of LA Highway 82 and the eastern shore of Sabine Lake, thence north along the eastern shoreline of Sabine Lake to its intersection with East Pass, thence due north to Sabine Island, thence west along the southern shoreline of Sabine Island to its westward most point, thence due west to the Texas state line, thence south along the Louisiana/Texas state line to its intersection with LA Highway 82, thence east along the southern side of LA Highway 82 and terminating at its intersection with the eastern shore of Sabine Lake.

C. All crab traps remaining in the closed area during the specified period shall be considered abandoned. These trap removal regulations do not provide authorization for access to private property; authorization to access private property can only be provided by individual landowners. Crab traps

may be removed only between one-half hour before sunrise to one-half hour after sunset. Anyone is authorized to remove these abandoned crab traps within the closed area. No person removing crab traps from the designated closed areas during the closure periods shall possess these traps outside of the closed area. The Wildlife and Fisheries Commission authorizes the secretary of the Department of Wildlife and Fisheries to designate disposal sites.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:332(N).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 30:101 (January 2004), amended LR 31:108 (January 2005), LR 32:266 (February 2006), LR 33:113 (January 2007), LR 34:97 (January 2008), LR 36:77 (January, 2010), LR 38:146 (January, 2012), LR 38:12 (December, 2012), LR 40:96 (January, 2014), LR 42:70 (January 2016).

Edwin "Pat" Manuel  
Chairman

1601#058

# Notices of Intent

## NOTICE OF INTENT

### Department of Children and Family Services Division of Programs Licensing Section

Child Day Care Centers  
(LAC 67:III.Chapter 73)

In accordance with the provisions of the Administrative Procedure Act R.S. 49:953(A), the Department of Children and Family Services (DCFS) proposes to repeal the *Louisiana Administrative Code*, Title 67, Part III, Subpart 21, Chapter 73, Sections 7301-7399.

The proposed Rule will repeal the child day care regulations under the Department of Children and Family Services due to the transfer of authority to The Louisiana Department of Education.

Pursuant to R.S. 17:407.32, the authority to license child care centers transferred from the Department of Children and Family Services to the Department of Education, effective October 1, 2014. Additionally, pursuant to R.S. 17:407.38, until such time as rules were promulgated by the Board of Elementary and Secondary Education to implement type I, type II, and type III child day care center licenses, child care centers were to continue to follow the rules promulgated by DCFS for the licensure of class A and class B child care centers. The Board of Elementary and Secondary Education promulgated such rules effective July 1, 2015; therefore the rules previously referenced in Sections 7301-7399 are hereby repealed.

#### Title 67

#### SOCIAL SERVICES

#### Part III. Office of Family Support

#### Subpart 21. Child Care Licensing

#### Chapter 73. Day Care Centers

#### Subchapter A. Licensing Class "A" Regulations for Child Care Centers

#### §7301. Purpose

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1107 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2755 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:

#### §7302. Authority

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau

of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1107 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2755 (December 2007), amended LR 36:332 (February 2010), LR 36:847 (April 2010), amended by the Department of Children and Family Services, Division of Programs, LR 37:811 (March 2011), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 39:66 (January 2013), LR 40:243 (February 2014), effective March 1, 2014, LR 40:1674 (September 2014), repealed LR 42:

#### §7303. Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1108 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2756 (December 2007), amended LR 36:333 (February 2010), LR 36:832 (April 2010), repromulgated LR 36:1272 (June 2010), amended LR 36:1279 (June 2010), amended by the Department of Children and Family Services, Child Welfare Section and Economic Stability and Self-Sufficiency Section, LR 36:2521 (November 2010), repromulgated 37:513 (February 2011), amended by the Department of Children and Family Services, Division of Programs, LR 37:812 (March 2011), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 40:247 (February 2014), effective March 1, 2014, repealed LR 42:

#### §7304. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1111 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2758 (December 2007), amended LR 36:848 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 39:470 (March 2013), LR 40:249 (February 2014), effective March 1, 2014, repealed LR 42:

#### §7305. General Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1112 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2759 (December 2007), amended LR 36:333 (February 2010), amended by the Department of Children and Family Services, Division of Programs, LR 37:812 (March 2011), amended by the Department of Children and Family Services, Division of Programs, Licensing

Section, LR 40:249 (February 2014), effective March 1, 2014, repealed LR 42:

#### **§7306. Policies and Procedures Related to Children**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1112 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2760 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:

#### **§7307. Children's Records**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1113 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2761 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:

#### **§7308. Retention of Records**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1113 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2761 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:

#### **§7309. Required Staff**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1113 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2761 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:

#### **§7310. Director Qualifications**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1114 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2762 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:

#### **§7311. Personnel Records**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1114 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2762 (December 2007), amended by the Department of Children and Family Services, Division of Programs, LR 37:813 (March 2011), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 40:250 (February 2014), effective March 1, 2014, repealed LR 42:

#### **§7312. Staff Development and Training**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1114 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2763 (December 2007), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:981 (April 2012), repealed LR 42:

#### **§7313. Water Activities**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1115 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2763 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:

#### **§7315. Required Child/Staff Ratios**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1116 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2764 (December 2007), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 40:252 (February 2014), effective March 1, 2014, LR 42:

#### **§7317. Supervision**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1116 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2764

(December 2007), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 40:252 (February 2014), effective March 1, 2014, LR 40:1674 (September 2014), repealed LR 42:

### **§7319. Food Service and Nutrition**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1116 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2764 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:

### **§7321. Health Service to the Child**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1117 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2765 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:

### **§7323. Physical Environment**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1118 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2766 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:

### **§7325. Furnishings and Equipment**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1118 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2766 (December 2007), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 39:470 (March 2013), repealed LR 42:

### **§7327. Safety Requirements**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1119 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2767

(December 2007), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:981 (April 2012), repealed LR 42:

### **§7328. Emergency Preparedness and Evacuation Planning**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:981 (April 2012), repealed LR 42:

### **§7329. Non-Vehicular Excursions**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1119 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2767 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:

### **§7331. General Transportation (Contract, Center-Provided, Parent-Provided)**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1119 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2767 (December 2007), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1207 (May 2012), LR 40:253 (February 2014), effective March 1, 2014, repealed LR 42:

### **§7333. Field Trips (Contract, Center-Provided, Parent Provided)**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1120 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2768 (December 2007), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 40:253 (February 2014), effective March 1, 2014, repealed LR 42:

### **§7335. Daily Transportation (Contract or Center-Provided)**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1120 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2768

(December 2007), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 40:253 (February 2014), effective March 1, 2014, repealed LR 42:

### **§7337. Contract Requirements**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1120 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2769 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:

### **§7339. Care for Children during Nighttime Hours**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1121 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2769 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:

### **§7350. Disclosure of Information as Specified under**

#### **R.S.46:1426**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1426

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 25:1130 (December 1999), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2769 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:

### **Subchapter B. Licensing Class "B" Regulations for Child Care Centers**

#### **§7355. Authority**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:970 (September 1992), LR 26:1635 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2770 (December 2007), amended LR 36:333 (February 2010), LR 36:849 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 39:66 (January 2013), LR 40:254 (February 2014), effective March 1, 2014, LR 40:1674 (September 2014), repealed LR 42:

#### **§7357. Definitions**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:970 (September 1992), LR 26:1636 (August 2000),

repromulgated by the Department of Social Services, Office of Family Support, LR 33:2770 (December 2007), amended LR 36:334 (February 2010), LR 36:850 (April 2010), amended by the Department of Children and Family Services, Division of Programs, LR 37:814 (March 2011), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 39:471 (March 2013), LR 40:257 (February 2014), effective March 1, 2014, repealed LR 42:

### **§7359. Procedures**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:970 (September 1992), LR 26:1636 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2771 (December 2007), amended LR 36:335 (February 2010), LR 36:833 (April 2010), repromulgated LR 36:1273 (June 2010), amended LR 36:1279 (June 2010), amended by the Department of Children and Family Services, Child Welfare Section and Economic Stability and Self-Sufficiency Section, LR 36:2521 (November 2010), repromulgated LR 37:513 (February 2011), amended by the Department of Children and Family Services, Division of Programs, LR 37:814 (March 2011), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 40:258 (February 2014), effective March 1, 2014, repealed LR 42:

### **§7361. General Requirements**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:970 (September 1992), LR 26:1638 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2773 (December 2007), amended LR 36:335 (February 2010), amended by the Department of Children and Family Services, Division of Programs, LR 37:814 (March 2011), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 40:259 (February 2014), effective March 1, 2014, repealed LR 42:

### **§7363. Transportation**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 26:1638 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2773 (December 2007), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1207 (May 2012), LR 40:260 (February 2014), effective March 1, 2014, repealed LR 42:

### **§7365. Center Staff**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:970 (September 1992), LR 26:1639 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2774 (December 2007), amended by the Department of Children and Family Services, Division of

Programs, LR 37:815 (March 2011), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:982 (April 2012), LR 40:260 (February 2014), effective March 1, 2014, repealed LR 42:

#### **§7367. Childrens' Records**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:970 (September 1992), LR 26:1640 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2775 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:

#### **§7369. Personnel**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:970 (September 1992), LR 26:2010 (September 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2775 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:

#### **§7371. Required Child/Staff Ratios**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:970 (September 1992), LR 26:1641 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2775 (December 2007), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 40:263 (February 2014), effective March 1, 2014, repealed LR 42:

#### **§7372. Supervision**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1430 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 40:263 (February 2014), effective March 1, 2014, amended LR 40:1674 (September 2014), repealed LR 42:

#### **§7373. Physical Plant and Equipment**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:970 (September 1992), LR 26:1641 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2776 (December 2007), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:982 (April 2012), amended LR 39:471 (March 2013), repealed LR 42:

#### **§7375. Admission of Children**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:970 (September 1992), LR 26:1642 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2776 (December 2007), repealed LR 42:

#### **§7377. Care of Children**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:970 (September 1992), LR 26:1642 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2777 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:

#### **§7378. Emergency Preparedness and Evacuation Planning**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:983 (April 2012), repealed LR 42:

#### **§7379. Care for Children during Nighttime Hours**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:970 (September 1992), LR 26:1643 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2778 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:

#### **§7381. Discipline**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:970 (September 1992), LR 26:1644 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2778 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:

#### **§7383. Abuse and Neglect**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR

18:970 (September 1992), LR 26:1644 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2778 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:

### **Subchapter C. Licensing Class "A" Regulations for Day Care Centers Caring for Sick Children**

#### **§7387. Definitions**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1130 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2779 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:

#### **§7388. Standards**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1130 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2779 (December 2007), amended LR 35:962 (May 2009), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:

#### **§7389. Personnel**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1131 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2779 (December 2007), amended LR 35:962 (May 2009), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:

#### **§7390. Training**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1131 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2780 (December 2007), amended LR 35:962 (May 2009), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:

#### **§7391. Staffing**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1131 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2780 (December 2007), amended LR 35:962 (May 2009), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:

#### **§7392. Plant Equipment**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1132 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2780 (December 2007), amended LR 35:962 (May 2009), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:

#### **§7393. Admission Policies and Procedures**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1132 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2781 (December 2007), amended LR 35:963 (May 2009), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:

#### **§7394. Physical Assessment**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1133 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2781 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:

#### **§7395. Care of Children**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1133 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2782 (December 2007), amended LR 35:963 (May 2009), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:

#### **§7396. Infectious/Medical Waste Disposal**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1134 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2783 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:

#### **§7399. Appendix A: Child and Adult Care Food Program**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 35:963 (May 2009), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:

#### **Family Impact Statement**

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

#### **Poverty Impact Statement**

The proposed Rule is not anticipated to have an impact on poverty as described in R.S. 49:973.

### Small Business Analysis

The proposed Rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

### Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

### Public Comments

All interested persons may submit written comments through February 25, 2016, to Kim Glapion-Bertrand, Deputy Secretary of Programs, Department of Children and Family Services, P.O. Box 94065, Baton Rouge, LA 70804.

### Public Hearing

A public hearing on the proposed Rule will be held on February 25, 2016, at the Department of Children and Family Services, Iberville Building, 627 North Fourth Street, Seminar Room 1-127, Baton Rouge, LA beginning at 9 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the Bureau of Appeals at least seven working days in advance of the hearing. For assistance, call (225) 342-4120 (voice and TDD).

Suzy Sonnier  
Secretary

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **Child Day Care Centers**

### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This rule proposes to repeal LAC, Title 67, Part III, Subpart 21, Chapter 73, Sections 7301-7399.

Pursuant to R.S. 17:407.32, the authority to license child care centers transferred from the Department of Children and Family Services to the Department of Education, effective October 1, 2014. Additionally, pursuant to R.S. 17:407.38, until such time as rules were promulgated by the Board of Elementary and Secondary Education to implement Type I, Type II, and Type III child day care center licenses, child care centers were to continue to follow the rules promulgated by DCFS for the licensure of Class A and Class B child care centers. The Board of Elementary and Secondary Education promulgated such rules effective July 1, 2015; therefore the rules previously referenced in Sections 7301-7399 will be repealed.

The only cost associated with this proposed rule is the cost of publishing rulemaking. It is anticipated that \$5,325 (all Federal Funds) will be expended in SFY 15-16 for the state's administrative expense for promulgation of this proposed Rule and the final rule.

### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation of this rule will have no effect on state or local revenue collections.

### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Implementation of this proposed rule will have no cost or economic benefit to directly affected persons or nongovernmental groups.

### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule will not have an impact on competition and employment for low-income families.

Kim Glapion-Bertrand  
Deputy Secretary  
1601#060

Gregory V. Albrecht  
Chief Economist  
Legislative Fiscal Office

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School, District, and State Accountability System  
(LAC 28:LXXXIII.405, 409, 705, 707, and 1107)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 111—The Louisiana School, District, and State Accountability System*: §405, Calculating a K-8 Assessment Index; §409, Calculating a 9-12 Assessment Index; §705, AMO; §707, Safe Harbor; and §1107, Unknown School and District Performance Due to Nonparticipation in State Assessments (2014-2015 Only). The policy revisions ensure that combination schools earn the same rewards as traditional high schools for students participating in high school exams while still in middle school; award points for student performance on ACT and WorkKeys, whichever is higher, within the ACT index of high school performance scores; ensures a steady formula while a statewide social studies field test is conducted for grades 3 through 8; and address participation concerns for grades 3 through 8 English language arts and mathematics exams for Spring 2015 testing.

### Title 28

### EDUCATION

#### Part LXXXIII. Bulletin 111—The Louisiana School, District, and State Accountability System Chapter 4. Assessment and Dropout/Credit Accumulation Index Calculations

#### §405. Calculating a K-8 Assessment Index

A. - E. ...

F. When middle schools students participate only in an EOC exam and not also the grade-level assessment in a given subject, EOC test results shall be used in the middle school's assessment index (100 for "good" and 150 for "excellent") and will be weighted by content as noted in the table above. Middle schools will also earn incentive points for all EOC scores of "good" or "excellent" earned during the same year in which the test was administered.

1. Incentive points will be awarded as follows:

- excellent = 50;
- good = 25.

G. The policy, as outlined in Subsection F of this Section, shall also apply to combination schools. The EOC score will be used in middle school results for the year in which the EOC is taken, incentive points may be awarded, and the score will be banked for use in the high school score once the student arrives in 9th grade, as outlined in §409.A.3.

H. In the 2015-2016 school year, the social studies test will be administered as a field test only. When calculating the K-8 assessment index for the 2015-2016 school year, either the 2013-2014 or 2014-2015 social studies assessment index, whichever yields the higher school performance score, shall be used as the social studies component of the overall assessment index.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1021 (June 2006), amended LR 36:1989 (September 2010), LR 38:3106 (December 2012), LR 41:2579 (December 2015), LR 42:

**§409. Calculating a 9-12 Assessment Index**

A. - A.4. ...

B.1. The ACT composite score will be used in the calculation of the ACT assessment index as described in the chart below. To the extent practicable, a student's highest earned score for any ACT administration shall be used in the calculation.

ACT Composite	Index Pts
0-17	0
18	100
19	102.8
20	105.6
21	108.4
22	111.2
23	114
24	116.8
25	119.6
26	122.4
27	125.2
28	128
29	130.8
30	133.6
31	136.4
32	139.2
33	142
34	144.8
35	147.6
36	150.4

2.a. Starting in the 2015-16 school year, student performance on the WorkKeys shall be included within the ACT index, where a student takes both assessments and earns a greater number of index points for WorkKeys than for ACT.

b. The concordance table below shall be used to award points beginning in the 2015-16 school performance score results and shall be reevaluated annually for continued alignment with ACT performance.

WorkKeys Level	Index Points
Platinum	136.4
Gold	116.8
Silver	100

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1021 (June 2006), amended LR 33:252 (February 2007), LR 36:1989 (September 2010), LR 37:2118 (July 2011), repromulgated LR 37:2382 (August 2011), amended LR 37:3200 (November 2011), LR 38:1212 (May 2012), LR 38:2357 (September 2012), LR 38:3106

(December 2012), LR 39:305 (February 2013), LR 39:1421 (June 2013), LR 40:1314 (July 2014), LR 41:2579 (December 2015), LR 42:

**Chapter 7. Subgroup Component**

**§705. Annual Measurable Objective**

A. The annual measurable objective (AMO) is the percent of students required to reach the proficient level in a given year on the standards-based assessments. Beginning in 2015, English language arts and mathematics test results from grades 3-8 LEAP, iLEAP, high school EOC algebra I and English II, and LAA 1 will be used to calculate the percent proficient for the subgroup component (for schools and districts).

1. At the middle school level, if a student takes algebra 1, then the algebra 1 score shall be used for AMO calculations.

2. At the high school level, if the algebra I score was used at the middle school level, the geometry score shall be used for AMO calculations.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2743 (December 2003), amended LR 33:253 (February 2007), LR 38:2357 (September 2012), LR 40:2508 (December 2014), LR 42:

**§707. Safe Harbor**

A. - D. ...

E. English language arts and mathematics test results from grades 3-8, EOC, and LAA 1 will be used to calculate the reduction of non-proficient students in safe harbor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2743 (December 2003), amended LR 32:1025 (June 2006), LR 33:253 (February 2007), LR 33:2594 (December 2007), LR 38:1213 (May 2012), LR 38:2357 (September 2012), LR 38:3110 (December 2012), LR 40:2508 (December 2014), LR 42:

**Chapter 11. School Performance Categories**

**§1107. Unknown School and District Performance Due to Nonparticipation in State Assessments (2014-2015 Only)**

A. For the 2014-2015 school year only, if the number of nonparticipants (see §4101.B of this bulletin) in grades 3 to 8 English language arts and mathematics is greater than 10 percent of all testers for that school, then the LDE shall carry forward the 2013-2014 school performance score and letter grade of said school as the 2014-2015 annual school performance score and letter grade, and shall clearly note the use of the 2013-2014 result, due to nonparticipation, on the annual public report card.

1. If a school meets the criteria outlined in Subsection A of this Section but did not have a letter grade or SPS from the year prior, then a letter grade of "U" (unknown) shall be awarded for the 2014-2015 school year.

B. For the 2014-2015 school year only, if the number of nonparticipants (see §4101.B of this bulletin) in grades 3 to 8 English language arts and mathematics is less than or equal to 10 percent of all testers for that school, then the LDE shall include in the calculation of the school or district performance score results from the 2013-2014 Louisiana state assessments in English language arts or mathematics for such students, where available. Where no such 2013-

2014 English language arts and/or mathematics results are available for nonparticipants, nonparticipation shall be addressed by using the average assessment index points earned for the specific school, grade level and subject. For students with partial scores in 2014-2015, the LDE shall use the higher of the student's two results, 2013-2014 or 2014-2015; if students with partial scores do not have a score from 2013-2014, then the LDE shall use either the 2014-2015 partial score or the average 2014-2015 assessment index points earned for the specific school, grade level and subject, whichever is higher.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

#### **Family Impact Statement**

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the state board office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

#### **Poverty Impact Statement**

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on the Rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial security? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

#### **Small Business Analysis**

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been

considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

#### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments via the U.S. Mail until 4:30 p.m., February 8, 2016, to Shan N. Davis, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Shan N. Davis  
Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Bulletin 111—The Louisiana School, District, and State Accountability System**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
The proposed policy revision will have no effect on costs or savings to state or local governmental units.  
The policy revisions ensure that combination schools earn the same accountability incentive points as traditional high schools for students participating in high school exams while still in middle school; award accountability points for student performance on ACT and WorkKeys - whichever is higher - within the ACT index of high school performance scores; ensure a steady formula while a statewide social studies field test is conducted for grades 3 through 8; and address test participation concerns for grades 3 through 8 English language arts and mathematics exams for the 2014-2015 school year.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
This policy will have no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)  
There will be no estimated cost and/or economic benefit to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
This policy will have no effect on competition and employment.

Beth Scioneaux  
Deputy Superintendent  
1601#031

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Bulletin 126—Charter Schools  
(LAC 28:CXXXIX.2301, 2713, and 2801)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 12—Charter Schools*: §2301, State Funding; §2713, At-Risk Students; and §2801, Transportation Requirements. The revisions are required by Act 421 of the 2015 Regular Legislative Session. These revisions also incorporate language newly amended by Act 467 of the 2015 Regular Legislative Session to weight Minimum Foundation Program (MFP) funding for charter schools.

#### Title 28

#### EDUCATION

#### Part CXXXIX. Bulletin 126—Charter Schools

#### Chapter 23. Charter School Funding

#### §2301. State Funding

A. Unless otherwise provided by law, the per pupil amount provided to a type 1, 1B, 2, 3, 3B, or 4 charter school shall be computed at least annually and shall be equal to the per pupil amount provided through the Minimum Foundation Program formula, determined by the allocation weights in the formula based upon student characteristics or needs, received by the school district in which the student resides, as determined by the weighted differentiated funding formula based upon individual student characteristics or needs that is provided through the Minimum Foundation Program, except as provided in Subsection E of this Section.

1. The state-funded per pupil allocation shall be based upon the weighted student membership count received by the district pursuant to the most recent legislatively approved Minimum Foundation Program formula, and include all levels and allocation weights based upon student characteristics or needs as provided in the formula except any supplementary allocations for specific purposes. Supplementary allocations for specific purposes shall be provided to charter schools based solely on the funds generated by the charter school within each specific allocation.

B. ...

C. For the purposes of funding, each type 1, type 3, and type 4 charter school shall be considered an approved public school of the local school board entering into the charter agreement.

D. - G.2. ...

3. Local charter authorizers shall also submit the reports required in this Subsection to the LDE according to the timelines provided for in this Subsection.

4. The LDE may withhold and retain from state funds otherwise allocated to a local public school system through the Minimum Foundation Program an amount equal to 1 quarter of 1 percent of the fee amount charged to a type 3B charter school for administrative costs incurred by the LDE for providing financial oversight and monitoring of a type 3B charter school acting as its own LEA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, R.S. 17:3995, R.S. 17:3981.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1371 (July 2008), amended LR 37:874 (March 2011), LR 39:3250 (December 2013), LR 40:1324 (July 2014), LR 42:

#### Chapter 27. Charter School Recruitment and Enrollment

#### §2713. At-Risk Students

A. Charter schools shall maintain required student enrollment percentages as provided in this Section, based on the demographic information collected in the February 1 pupil membership count for students who were enrolled at the school the previous October 1 according to the October 1 pupil membership count.

B. The following definitions shall apply in this Section.

*Students from Local Public School Districts*—public school students who reside within the geographic boundaries of the local city or parish school board's district where a particular charter school is located.

*Students with Exceptionalities*—students identified as having one or more exceptionalities, as defined in R.S. 17:1942, not including gifted and talented.

C. Unless otherwise explicitly stated in the charter school's contract, or otherwise provided by charter law, each type 1B or type 2 charter school created as the result of a conversion, type 3 charter school, and type 4 charter school shall maintain the following student enrollment percentages:

1. the charter school's percentage of free- or reduced-price lunch eligible students shall be greater than or equal to the percentage of free- or reduced-price lunch eligible students enrolled at the school in the school year prior to the establishment of the charter school; and

2. the charter school's percentage of students with exceptionalities shall be greater than or equal to the percentage of students with exceptionalities enrolled at the school in the school year prior to the establishment of the charter school.

D. Except as otherwise provided by charter law, each type 1, type 1B, or type 2 charter school created as a new school shall maintain the following student enrollment percentages:

1. the charter school's percentage of free- or reduced-price lunch eligible students shall be greater than or equal to 85 percent of the percentage of free- or reduced-price lunch eligible students from local public school districts. The remaining number of students enrolled in the charter school which would be required to have the same percentage of free- or reduced-price lunch eligible students from local public school districts shall be comprised of students who are otherwise at-risk as defined in §103 of this bulletin; and

2. the charter school's percentage of students with exceptionalities shall be greater than or equal to 85 percent of the percentage of students with exceptionalities from the local public school districts. The remaining number of students enrolled in the charter school which would be required to have the same percentage of students with exceptionalities from the local public school districts shall be comprised of students who are otherwise at-risk as defined in §103 of this bulletin.

E. For the purpose of Subsection D of this Section, the LDE shall determine the percentages of free- or reduced-price lunch eligible students and students with exceptionalities from local public school districts as follows.

1. For charter schools in operation prior to July 1, 2016, the student enrollment percentages shall be based on the February 1, 2015 pupil membership count and shall remain fixed until the charter school's contract is renewed, unless otherwise provided for in existing charter contracts.

2. For charter schools beginning an initial or renewal charter contract term on or after July 1, 2016, the student enrollment percentages shall be based on the pupil membership counts from the school year immediately preceding the beginning of the charter contract term and shall remain fixed during the charter contract term, unless the charter contract specifies that the percentages shall be required to reflect the current year's percentages.

F. The LDE shall perform all calculations necessary to implement this Section.

G. Annually, the LDE shall make a report to BESE on the student enrollment percentages detailed in this Section for all public schools and local education agencies.

H. Each charter authorizer shall hold its authorized charter schools accountable for meeting the required student enrollment percentages in this Section in accordance with state law by taking the following actions for each charter school that fails to meet required enrollment percentages:

1. conducting an inquiry to determine all actions taken by the charter school to attempt to meet the requirements and the reasons for such failure; and

2. providing a written notice to the charter school that provides specific annual enrollment percentage targets the charter school must meet to demonstrate progress toward meeting the required enrollment percentages, and details how the charter authorizer will hold the charter school accountable, including any potential consequences.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) R.S. 17:3973, R.S. 17:3981, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1375 (July 2008), amended LR 37:875 (March 2011), LR 40:1325 (July 2014), LR 42:

## Chapter 28. Transportation

### §2801. Transportation Requirements

A. - D. ...

E. No later than the beginning of the 2016-2017 school year, each type 5 charter school located in Orleans Parish shall provide free transportation services for all students enrolled in the charter school who reside within Orleans Parish and more than 1 mile from the charter school's location, which shall include, at a minimum:

1. whatever transportation is necessary to implement any individualized education plan (IEP) for a child with an identified exceptionality, without regard to how far the child resides from the charter school;

2. free transportation by a vehicle approved for student transportation in accordance with BESE *Bulletin 119—Louisiana School Transportation Specifications and Procedures*, for students enrolled in grade 6 or below who reside more than 1 mile from the charter school; and

3. free transportation, free public transportation payments and/or reimbursements for all other students not included in Paragraphs 1 and 2 of this Subsection who reside more than 1 mile from the school.

F. Each charter school operator shall adopt policies and procedures or shall make provision in its bus transportation service agreement to do all of the following:

1. prohibit a bus driver from loading or unloading students at school while the bus is in a traffic lane of any type of street as defined in R.S. 32:1 and require that students be loaded or unloaded on a shoulder, in a school parking lot, or at other appropriate off-road location at the school as determined by the school governing authority. The requirements of this Paragraph shall not apply if the shoulder of a municipal road is the only available alternative and the municipality has not made the shoulder available by designating that area for loading and unloading students during designated school zone hours;

2. prohibit a bus driver from loading or unloading students at or near their homes while the bus is in a traffic lane of any type of street as defined in R.S. 32:1 and require that students be loaded or unloaded on a shoulder unless the governing authority determines that loading or unloading on a shoulder is less safe for the student. However, if there is no shoulder or if the shoulder is determined to be less safe, a bus driver may load and unload a student while the bus is in a lane of traffic but only if the bus is in the lane farthest to the right side of the road so that there is not a lane of traffic between the bus and the right-side curb or other edge of the road;

3. prohibit a bus driver from loading or unloading a student in a location on a divided highway such that a student, in order to walk between the bus and his home or school, would be required to cross a roadway of the highway on which traffic is not controlled by the visual signals on the school bus.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:158, R.S. 17:3981, and 17:3996(B)(37).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:1266 (July 2015), amended LR 42:

### Family Impact Statement

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the state board office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

### Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on the Rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records. For the

purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial security? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

#### **Small Business Analysis**

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

#### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments via the U.S. Mail until 4:30 p.m., February 8, 2016, to Shan N. Davis, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Shan N. Davis  
Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Bulletin 126—Charter Schools**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The enrollment requirements for students on free or reduced lunch and students with exceptionalities could increase enrollment at certain schools to the extent they do not currently meet these standards. While Type 5 charter schools in Orleans Parish currently provide free transportation to students living in Orleans Parish, costs could increase for those schools which do not meet this requirement.

The policy revisions incorporate requirements of Act 467 of the 2015 Regular Legislative Session regarding funding for at-risk students, and those with exceptionalities, as well as implement transportation policy required by Act 421 of the 2015 Regular Legislative Session.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed revisions requiring the use of weighted, differentiated funding may result in a reallocation and distribution of MFP funds to charter schools based on their student enrollment characteristics.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

There will be no estimated cost and/or economic benefit to directly affected persons or non-governmental groups.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This policy will have no effect on competition and employment.

Beth Scioneaux  
Deputy Superintendent  
1601#032

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

### **NOTICE OF INTENT**

#### **Board of Elementary and Secondary Education**

Bulletin 129—The Recovery School District  
(LAC 28:CXLV.505, 1103, and 1105)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 129—The Recovery School District*: §505, Return of Schools to Local School Board; §1103, Annual Budget; and §1105, Budget Planning, Preparation, and Schedules. Current policy currently details a process for the Recovery School District (RSD) to return an RSD charter school to the former local school board when the charter school has earned a school performance score of 54.0 or above for two consecutive school years. The revisions to this section simplify the process of returning schools to the RSD by clarifying terms and existing processes, deleting unnecessary language, and aligning the policy with yearly accountability timelines for letter grade release and charter renewals. Additional revisions ensure that the policy aligns to the appropriate BESE meetings and budgetary timelines each year.

#### **Title 28**

#### **EDUCATION**

#### **Part CXLV. Bulletin 129—The Recovery School District Chapter 5. Failed Schools**

#### **§505. Return of Schools to Local School Board**

A. Schools transferred to the jurisdiction of RSD shall remain with the RSD for a period of not less than five years.

1. A school that has been under the jurisdiction of the RSD for a minimum of five years as either a direct-run RSD school or a type 5 charter school may be returned to the jurisdiction of its former local school board based upon the RSD's report and recommendation to BESE. The RSD's report shall include the following:

a. the status of the school, the nature of its faculty and administration, the demographics and size of the student body, its organizational and management structure, whether student academic performance has improved, the amount of any improvement, an explanation of why student academic performance has or has not improved, and to what extent performance targets were achieved;

b. the RSD report shall also include a recommendation as to whether the school should:

- i. remain within the RSD in the same operational status;
- ii. remain within the RSD in a new operational status;
- iii. close, with the reasons why it should close; or
- iv. return to the jurisdiction of its former local school board, with proposed stipulations and conditions for the return.

#### B. Eligible Type 5 Charter Schools

1. An eligible type 5 charter school board may elect to transfer from the RSD and return to the jurisdiction of its former local school board as a type 3b charter school. If the charter school board chooses not to transfer to its former local school board, it will automatically remain within the RSD for an additional school year. The charter school board shall have the opportunity to choose to return to its former local school board every year the charter school continues to meet eligibility criteria, in accordance with the procedures outlined below.

2. A non-failing charter school is eligible for transfer from the jurisdiction of the recovery school district provided it meets all of the following.

a. The charter school will have been under the jurisdiction of the recovery school district for a minimum of five year. A charter school shall be considered to have been under the jurisdiction of the RSD for five years when five complete school years have passed since the approval of the transfer to the RSD by BESE under R.S. 17:10.5 or 17:10.7, regardless of changing operators or site codes for the charter school since that time. The decision to transfer will be considered at the earliest during the charter school's fifth year under the jurisdiction of the RSD, with the proposed transfer occurring at the conclusion of that same school year.

b. The charter school has earned for the past two consecutive years a school performance score (SPS) of 54.0 or above. If the academically unacceptable school (AUS) bar is raised above 50.0, then the charter school must have earned for the past two consecutive years a school performance score that is at least 4.0 points above the AUS bar as established by BESE pursuant to the statewide school and district accountability system. Should the charter school change operators, an SPS of 54.0 or above under the final year of the former operator and an SPS of 54.0 or above under the new operator the next consecutive year shall still meet this requirement.

i. In order to be eligible to choose to transfer from the jurisdiction of the RSD, charter schools comprised entirely of grades below ninth grade shall have two consecutive school performance scores of 54.0 or above based on test data from students actually attending that charter school, rather than test data from a paired school. For charter schools comprised entirely of grades above eighth grade, both consecutive school performance scores of 54.0 or above shall include ACT data for students actually attending the charter school, and at least one of the school performance scores shall include graduation index and graduation rate data for students actually attending the charter school.

c. In order for a charter school in the final year of its current charter contract term to be eligible to choose to

transfer from the jurisdiction of the RSD, the charter school must be renewed for the upcoming school year by BESE pursuant to the charter renewal process in Bulletin 126. The charter school board may still take official board action to seek to return to the local school board prior to being renewed by BESE, but final eligibility to return shall be contingent upon BESE approving a renewal for the charter school.

d. The charter school board elects to seek transfer from the RSD and has notified BESE in writing, no later than the deadline set by the RSD each year preceding the effective date of the proposed transfer.

e. The charter school board shall take official board action based on a vote of its membership, at a charter school board meeting in accordance with its by-laws and state open meetings law to provide BESE with written notification of desire to transfer the charter school from the jurisdiction of the RSD to the jurisdiction of its former local school board as a type 3B charter school. Such notice shall state whether the charter school desires to remain an independent local education agency (LEA) or have the former local school board serve as the charter school's LEA.

3. The transfer of a type 5 charter school from the RSD shall become effective on July 1 of the year following BESE's approval of such transfer.

4. Upon receiving notice from an eligible type 5 charter school board of its desire to seek to transfer the charter school to its former local school board by a deadline set each year by the RSD, BESE shall consider the transfer request for approval. BESE may require additional transfer conditions to be completed by the charter school prior to approval of the transfer at a later BESE meeting preceding the proposed transfer.

5. BESE shall only approve a charter school board request to transfer to the charter school to the jurisdiction to the local school board if the following requirements are met:

a. the local school board provides BESE with written notice, in accordance with the deadlines established by the RSD, that official board action has been taken to accept jurisdiction of the charter school as a type 3B charter school, pending approval of the transfer by BESE; and

b. the charter school board submits a copy of the type 3B charter contract signed by the local school board and the charter operator to BESE prior to approval of the transfer. In order for BESE to grant approval of the transfer, new charter contract, to be effective on the date of transfer (July 1), and any subsequent renewal charter contracts must:

i. be consistent with all state and federal laws governing charter school authorization;

ii. contain academic performance standards for the initial and first renewal term lengths that are equal to or greater than type 5 charter school performance standards as enumerated in BESE Bulletin 126, §519;

iii. comply with any transfer conditions previously specified by BESE;

iv. permit the charter school to remain in its facility or designate an alternative facility for use by the charter school;

v. prohibit the charter school from establishing admissions requirements; and

vi. require any charter school that participated as a type 5 charter school in unified processes common to other

public schools located in the same parish or school district boundaries that are critical to providing equity and access to students and families to continue to participate in such processes. At a minimum, the contract shall require the charter school to:

(a). continue to participate in any unified enrollment system and expulsion process established by the RSD for the parish or region where the charter school is located. The charter school shall follow all policies and procedures applicable to type 5 charter schools participating in the enrollment system and expulsion process; and

(b). continue to provide transportation services for students who reside more than one mile from the school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:10.5(A)(1), R.S. 17:10.7(A)(1), R.S. 17:1990(A)(2), R.S. 17:10.5(C), and R.S. 17:10.7(C).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:878 (March 2011), amended LR 38:354 (February 2012), LR 38:1396 (June 2012), LR 39:82 (January 2013), LR 39:1022 (April 2013), LR 39:3255 (December 2013), LR 42:

## **Chapter 11. Fiscal Management**

### **§1103. Annual Budget**

A. ...

B. The RSD's budget must be approved by BESE. The RSD shall present a proposed operational budget to BESE for review in June and for approval in August of each year. The RSD direct-operated and charter-operated schools shall budget on a fiscal year basis, July 1 through June 30.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:10.5(A)(1), R.S. 17:10.7(A)(1), and R.S. 17:1990(A)(2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:310 (January 2011), amended LR 42:

### **§1105. Budget Planning, Preparation, and Schedules**

A. The RSD shall present a proposed operational budget to BESE for review in June and for approval in August of each year.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:10.5(A)(1), R.S. 17:10.7(A)(1), and R.S. 17:1990(A)(2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:311 (January 2011), amended LR 42:

### **Family Impact Statement**

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the state board office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

### **Poverty Impact Statement**

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on the Rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial security? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

### **Small Business Analysis**

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

### **Public Comments**

Interested persons may submit written comments via the U.S. Mail until 4:30 p.m., February 8, 2016, to Shan N. Davis, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Shan N. Davis  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 129—The Recovery  
School District**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed policy revision will have no effect on costs or savings to state or local governmental units.

Current policy details a process for the Recovery School District (RSD) to return an RSD charter school to the former local school board when the charter school has earned a School Performance Score of 54.0 or above for two consecutive school years. The revisions to this section simplify the process of returning schools to the RSD by clarifying terms and existing processes, deleting unnecessary language, and aligning the policy with yearly accountability timelines for letter grade release and charter renewals. Additional revisions ensure that the policy aligns to the appropriate BESE meetings and budgetary timelines each year.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE  
OR LOCAL GOVERNMENTAL UNITS (Summary)**

This policy will have no effect on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL  
GROUPS (Summary)**

There will be no estimated cost and/or economic benefit to directly affected persons or non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)**

This policy will have no effect on competition and employment.

Beth Scioneaux  
Deputy Superintendent  
1601#012

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 133—Scholarship Programs  
(LAC 28:CLIII.1305)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 133—Scholarship Programs*: §1305, Accountability System for Participating Nonpublic Schools. The revisions allow the state superintendent to align future scholarship school participation and enrollment decisions to the transition policies for new assessments.

**Title 28  
EDUCATION**

**Part CLIII. Bulletin 133—Scholarship Programs  
Chapter 13. Criteria for School Participation in the  
Student Scholarships for Educational  
Excellence Program**

**§1305. Accountability System for Participating  
Nonpublic Schools**

A. - E.2.b. ...

c. The state superintendent may waive either or both of the above provisions for a given school if the school

received a score higher than an equivalent school performance score correlating to a letter grade of an "F" according to the school performance score formula outlined in *Bulletin 111—the Louisiana School, District, and State Accountability System*.

E.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6 and R.S. 17:4025.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:83 (January 2013), amended LR 42:

**Family Impact Statement**

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

**Poverty Impact Statement**

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on the Rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records. For the purposes of this Section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial security? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

**Small Business Analysis**

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the

drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

**Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

- 1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
- 2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
- 3. the overall effect on the ability of the provider to provide the same level of service.

**Public Comments**

Interested persons may submit written comments via the U.S. Mail until 4:30 p.m., February 8, 2016, to Shan N. Davis, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Shan N. Davis  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 133—Scholarship Programs**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed policy revision could increase costs for the Department of Education if enrollment waivers are granted under the new exception.

Pursuant to R.S. 17:4015(9), the revisions allow the State Superintendent to align future Student Scholarship for Educational Excellence (SSEEP) school participation and enrollment decisions to the transition policies for new assessments found in Bulletin 111—The Louisiana School, District, and State Accountability System, §303. For the 2014-2015 and 2015-2016 school years, School Performance Scores will be determined pursuant to a transition policy (a "curve") initially approved in September, 2013. The transition policy ensures that as student academic expectations are raised and new assessments given, there remains stability in the state's school and accountability system. Because students participating in the scholarship program take the same state assessments, and in order to maintain consistency in the two accountability systems, the proposed Rule establishes the same curve for the Scholarship Cohort Index. Previously a score below 50 equated to an F, however for the transition period, SSEEP participating schools with score below 50 which were previously prohibited from enrolling new students may be granted a waiver to continue enrollment of new students. This would increase the cost of the program, however, such increases are not likely to be significant and would be covered under the "more or less estimated" appropriation in the General Appropriation Bill for FY16.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

This policy will have no effect on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

Participating SSEEP schools could receive a waiver to continue enrolling new students, even though the School Cohort Index falls below a 50.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This policy will have no effect on competition and employment.

Beth Scioneaux  
Deputy Superintendent  
1601#038

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 134—Tuition Donation Rebate Program  
(LAC 28:CLV.103 and 303)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 134—Tuition Donation Rebate Program*: §103, Definitions; and §303, Awarding of Scholarships. The proposed revisions are required to ensure alignment with state law (R.S. 47:6301).

**Title 28  
EDUCATION**

**Part CLV. Bulletin 134—Tuition Donation Rebate Program**

**Chapter 1. General Provisions**

**§103. Definitions**

A. - A.2. ...

\* \* \*

*Qualified Student*—a child who is a member of a family that resides in Louisiana with a total household income that does not exceed an amount equal to 250 percent of the federal poverty level based on the federal poverty guidelines established by the federal Office of Management and Budget and is a student who:

- i. is entering kindergarten for the first time;
- ii. was enrolled in a public school in Louisiana on October 1 and February 1 of the most recent school year; or
- iii. received a scholarship from a school tuition organization or the Student Scholarships for Educational Excellence Program for the previous school year.

\* \* \*

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 47:6301.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 39:1024 (April 2013), amended LR 41:41 (January 2015), LR 42:

**Chapter 3. School Tuition Organizations**

**§303. Awarding of Scholarships**

A. No scholarship shall be designated, referred to, or in any way named after a private entity, nor shall any donation be earmarked by a donor to provide a scholarship for a particular qualified student or a particular qualified school; however, this Subsection shall not prohibit a donation being earmarked for a student with a disability, students with a particular type of disability, or students with any disability.

B. - I.2. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 47:6301.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education in LR 39:1025 (April 2013), amended LR 40:499 (March 2014), LR 41:41 (January 2015), LR 42:

### Family Impact Statement

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the state board office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

### Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on the Rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial security? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

### Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

### Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

### Public Comments

Interested persons may submit written comments via the U.S. Mail until 4:30 p.m., February 8, 2016, to Shan N. Davis, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Shan N. Davis  
Executive Director

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Bulletin 134—Tuition Donation Rebate Program

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
The proposed policy revision will have no effect on costs or savings to state or local governmental units.  
The proposed revisions are technical edits required to ensure alignment with state law (R.S. 47:6301).
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
This policy will have no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)  
There will be no estimated cost and/or economic benefit to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
This policy will have no effect on competition and employment.

Beth Scioneaux  
Deputy Superintendent  
1601#013

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Board of Elementary and Secondary Education

Bulletin 137—Louisiana Early Learning Center Licensing Regulations (LAC 28: CLXI.709, 905, 1303, 1307, 1713, 1719, 1721, 1901, and 2103)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 137—Louisiana Early Learning Center Licensing Regulations*: §709, Validity of Licenses; §905, Change in License Type; §1303, Notice of Denial, Revocation or Refusal to Renew; §1307, Appeal of Denial, Revocation or Refusal to Renew; §1713, Supervision; §1719, Orientation Training; §1721, Continuing Education; §1901, General Safety Requirements; and §2103, Daily Transportation (Contract or Center Provided). The proposed policy revisions add a requirement to surrender invalid licenses when a center has closed or has had its license revoked, and allow the Louisiana Department

of Education (LDE) to immediately close a center upon revocation and prohibit continued operation during the appeals process if the LDE determines that the health and safety of children are at issue. Other revisions simplify the process for changing license types, clarify policy and remove duplicate information.

**Title 28**  
**EDUCATION**

**Part CLXI. Bulletin 137—Louisiana Early Learning  
Center Licensing Regulations**

**Chapter 7. Licensing Process and Procedures**

**§709. Validity of Licenses**

A. - B. ...

C. When a business is sold, discontinued, the operation has moved to a new location, or the license has been revoked, the existing license immediately becomes null and void and the licensee shall surrender the existing license to the Licensing Division.

D. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.39(C) and R.S. 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:624 (April 2015), effective July 1, 2015, amended LR 42:

**Chapter 9. Changes Requiring a New License**

**§905. Change in License Type**

A. ...

B. To change license type, an early learning center shall submit a written request to change its license type and a \$25 change fee to the Licensing Division.

C. Upon receipt of the written request and fee, and verification of substantial compliance with the applicable licensing regulations, the Licensing Division shall issue a replacement license of the new type to the center and the center shall surrender its existing license to the Licensing Division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.36 and R.S. 17:407.38-39.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:625 (April 2015), effective July 1, 2015, amended LR 42:

**Chapter 13. Denial, Revocation or Non-Renewal of License**

**§1303. Notice of Denial, Revocation or Refusal to Renew**

A. ...

B. The denial, revocation or refusal to renew shall be effective when notice is given and the center shall surrender its existing license to the Licensing Division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.44.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:627 (April 2015), effective July 1, 2015, amended LR 41:2105 (October 2015), LR 42:

**§1307. Appeal of Denial, Revocation or Refusal to Renew**

A. - B. ...

C. A center may continue to operate during the appeals unless the Licensing Division determines that the health, safety or welfare of children in care imperatively requires immediate closure of the center and incorporates that finding in its notice of revocation.

D. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.45.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:627 (April 2015), effective July 1, 2015, amended LR 41:2106 (October 2015), LR 42:

**Chapter 17. Minimum Staffing Requirements and Standards**

**§1713. Supervision**

A. - F. ...

G. Restrooms

1. Children who are developmentally able may be permitted to go to the restroom independently at an early learning center, provided that:

a. a staff member is in proximity to and can see the children to ensure immediate intervention to safeguard a child from harm while in the restroom; and

b. individuals who are not staff members may not enter the center restroom area while in use by any child other than their own child.

2. A child age four and older may be permitted to go and return from the restroom without staff.

H. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:634 (April 2015), effective July 1, 2015, amended LR 41:2107 (October 2015), LR 42:

**§1719. Orientation Training**

A. - A.4. ...

B. Within 30 calendar days of date of hire, each staff member shall receive orientation to the additional policies and practices of the center that at a minimum shall include:

B.1. - C.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1) and (3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:635 (April 2015), effective July 1, 2015, amended LR 42:

**§1721. Continuing Education**

A. Early learning centers shall provide opportunities for continuing education of staff members who are left alone with children, or who have supervisory or disciplinary authority over children.

1. Such staff members of type II and type III centers, excluding foster grandparents, shall obtain a minimum of 12 clock hours of continuing education per center anniversary year.

2. Such staff members of type I centers, excluding foster grandparents, shall obtain a minimum of three clock hours of continuing education per center anniversary year.

a. Beginning July 1, 2015, such staff members of type I centers, excluding foster grandparents, shall obtain a minimum of 6 clock hours of continuing education per center anniversary year.

b. Beginning July 1, 2016, such staff members of type I centers, excluding foster grandparents, shall obtain a minimum of 9 clock hours of continuing education per center anniversary year.

c. Beginning July 1, 2017, such staff members of type I centers, excluding foster grandparents, shall obtain a minimum of 12 clock hours of continuing education per center anniversary year.

B. Staff members of type I, type II and type III centers who are neither left alone with children, nor have supervisory or disciplinary authority over children, shall obtain a minimum of three clock hours of continuing education in job related topics per center's anniversary year.

C. Continuing education for all types of centers shall be conducted by trainers approved by the Licensing Division. The Licensing Division shall keep a registry of approved trainers.

D. Continuing education hours shall be in the areas of:

1. child development;
2. child guidance;
3. child abuse prevention;
4. emergency preparation;
5. licensing regulations;
6. learning activities;
7. health and safety;
8. shaken baby prevention;
9. CPR;
10. first aid; and
11. management/administrative education.

E. The three hours of training by a child care health consultant on infectious diseases, health and safety, and/or food service preparation required in LAC 51:XXI.301.A.9 shall not count towards continuing education hours for staff members.

F. Pediatric first aid training and infant/child/adult CPR training may count as continuing education in the anniversary year in which it is taken.

G. Medication administration training by a child care health consultant may count as continuing education in the anniversary year in which it is taken.

H. Copies of certificates of completion or attendance records shall be maintained at the center and available for inspection by the Licensing Division upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1) and (3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015, amended LR 41:2108 (October 2015), LR 42:

## **Chapter 19. Minimum Health, Safety, and Environment Requirements and Standards**

### **§1901. General Safety Requirements**

A. - A.4. ...

B. Lighting. Areas used by children shall be lighted in such a way as to allow visual supervision of the children at all times.

C. End-of-Day Check. The entire center and play yard shall be checked after the last child departs to ensure that no child is left at the center and this check shall be documented. Documentation shall include date, time of visual check, and signature of the staff conducting the visual check.

D. Sex Offender Registry. An early learning center shall register with the Louisiana State Police sex offender registry at [www.lsp.org](http://www.lsp.org) to receive updates when a sex offender moves within two miles of the center.

E. Centers shall not permit any individual convicted of a sex offense as defined in R.S. 15:541 to have physical access to the center.

F. The owner or director of an early learning center shall immediately notify law enforcement personnel and the

Licensing Division if they have knowledge that a registered sex offender is on the premises of the center. The verbal report shall be followed by a written report to the Licensing Division within 24 hours.

G. All equipment used by children shall be maintained in a clean and safe condition and in good repair.

H. Moveable equipment shall be secured and supported so that it shall not fall or tip over.

I. Microwave ovens, bottle warming devices and crock pots are prohibited in areas accessible to children.

J. Items that can be harmful to children, such as medications, poisons, cleaning supplies and chemicals, and equipment, tools, knives and other potentially dangerous utensils, shall kept in a locked cabinet or other secure place that ensures they are inaccessible to children.

K. Plastic bags, when not in use, regardless of purpose or use, shall be made inaccessible to children.

L. Construction, remodeling, and alterations of structures shall be done in such a manner so as to prevent hazards or unsafe conditions, such as fumes, dust and safety hazards.

M. Strings and cords, including but not limited to those found on equipment, window coverings, televisions and radios, shall be inaccessible to children under age four.

N. First aid supplies shall be kept at the center and shall be easily accessible to employees but not accessible to children.

O. The center shall prohibit the use of alcohol and tobacco and the use or possession of illegal substances, unauthorized potentially toxic substances, fireworks and firearms, and pellet and BB guns on the center premises and notice to this effect shall be posted.

P. The personal belongings of center staff members shall be inaccessible to children.

Q. The center shall post a copy of the current "The Safety Box" newsletter issued by the Louisiana Office of the Attorney General and shall immediately remove from the early learning premises any items listed as recalled.

R. Lawn cutting services shall not occur while children are on the playground or outside the early learning center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015, amended LR 42:

## **Chapter 21. Minimum Transportation Requirements and Standards**

### **§2103. Daily Transportation (Contract or Center Provided)**

A. - C. ...

D. Vehicle Staff

1. A driver and at least one staff member must be in a contracted or center-provided vehicle at all times when transporting children, and minimum child to staff ratios must be met. However, when transporting children ages four and older only, if the vehicle has a communication device that allows the driver to contact emergency personnel, and the driver does not leave the vehicle while children are present in the vehicle, only the driver is required to be present in the vehicle and minimum child to staff ratios are not required to be met.

2. A contracted driver shall be considered a staff member for purposes of this Subsection if the driver is in

compliance with the transportation regulations in Chapter 21 of this bulletin, including but not limited to maintaining a daily passenger log in compliance with §2103.F, and completing and documenting a visual passenger check of the vehicle at the end of each route in compliance with §2107.A.

E. - F.3.g. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:642 (April 2015), effective July 1, 2015, amended LR 42:

#### **Family Impact Statement**

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the state board office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

#### **Poverty Impact Statement**

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on the Rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial security? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

#### **Small Business Analysis**

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the

objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

#### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments via the U.S. Mail until 4:30 p.m., February 8, 2016, to Shan N. Davis, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Shan N. Davis

Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Bulletin 137—Louisiana Early Learning Center Licensing Regulations**

##### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed policy revision will have no effect on costs or savings to state or local governmental units.

The proposed policy revisions add a requirement to surrender invalid licenses when a center has closed or has had its license revoked, and allow the Louisiana Department of Education (LDE) to immediately close a center upon revocation and prohibit continued operation during the appeals process if the LDE determines that the health and safety of children are at issue. Other revisions simplify the process for changing license types, clarify policy and remove duplicate information.

##### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The Department of Education may see a reduction in revenue collections as the policy changes the fee for getting a different license to \$25. The current policy requires a fee based on the capacity of the child care center. The fees range from \$25 to \$250. Whether there is a reduction or an increase will depend on the volume of requests for changes.

##### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

Child care providers may benefit from a reduction in the cost for getting a different license. The proposed policy requires a fee of \$25. The current policy requires a fee based on the capacity of the child care center. The fees range from \$25 to \$250. Child care providers may also experience a savings from the change in transportation policy. When transporting children four years of age and older, a driver with a communications device will not need to be accompanied by an extra staff member.

The clarification of policy regarding continuing education will not result in increased hours, but staff members who are never left alone with children and who do not have supervisory or disciplinary authority over children are only required to have three hours of continuing education, which is a reduction in hours for such staff. The policy revision also clarifies that

pediatric first aid/CPR training does count as continuing education hours.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy will have no effect on competition and employment.

Beth Scineaux  
Deputy Superintendent  
1601#033

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Instructional Support (LAC 28: CXV.1703 and 1707)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 741—Louisiana Handbook for School Administrators*: §1703, Textbooks; and §1707, Disposal of Library Books and Textbooks. The proposed policy revisions are required to implement Act 389 of the 2015 Regular Legislative Session which revises procedures for the adoption, review, procurement, and distribution of textbooks and other instructional materials for use in elementary and secondary schools.

#### Title 28 EDUCATION

#### Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

#### Chapter 17. Instructional Support §1703. Textbooks

A. ...

B. The governing authority of each public elementary and secondary school shall adopt policies and regulations for the adoption and use of textbooks and other instructional materials that sufficiently support the needs of all students in meeting state content standards.

1. The LDE shall utilize a transparent process to review textbooks and other instructional materials in the core subjects of English language arts, mathematics, science, and social studies to determine the degree to which each aligns with state content standards.

a. The state review process shall be conducted entirely online and every aspect of the review process including the textbooks and instructional materials under review and any comments submitted by reviewers, parents and other members of the public, and publishers and other content providers, shall be posted online and made readily accessible to all interested parties.

b. All print textbooks and print instructional materials purchased shall be supplied in an electronic format that meets federal requirements consistent with the Individuals with Disabilities Education Act (IDEA), and can be converted in to specialized formats for children with disabilities.

c. The LDE shall provide each school governing authority with a list of all textbooks and other instructional

materials reviewed by LDE which includes information indicating the degree to which each aligns with state content standards.

2. For the adoption of textbooks and other instructional materials that have not been reviewed by the LDE, the policy of the school governing authority shall provide for the establishment of review committees composed of classroom teachers and other educators, all of whom shall be employees of Louisiana public schools, parents of students enrolled in Louisiana public schools, and other educational stakeholders in Louisiana who have interest in or knowledge of curriculum and the subject matter under consideration.

3. Parents and other members of the public shall be afforded the opportunity to review and provide input relative to the textbooks and instructional materials under review prior to final adoption.

4. The purchase of electronic textbooks, instructional materials, and other media or content shall be maximized to the extent possible.

5. Each school governing authority may purchase textbooks and other instructional materials through a state contract or through the central depository or may contract directly with a publisher or other content provider.

C. Textbooks and instructional materials adopted for use in public schools shall accurately reflect the contributions and achievements of people of differing races and promote and understanding of the history and values of the people of the United States and Louisiana, including the free enterprise system, private property, constitutional liberties, democratic value and traditional standards of moral values.

D. Each school governing authority shall provide textbooks and other instructional materials, as available, to students enrolled in a state-approved home study program. The following procedures shall be used for loaning textbooks to be used in approved home study programs. Parents or guardians must proceed through the following steps in order to access textbooks for students in home study:

1. submit an application to the LDE and obtain approval for participation in the Home Study Program;

2. present a copy of the approved home-study application form to the LEA textbook supervisor or designee;

3. select the textbooks and/or materials needed from the listing as available, from the LEA; and

4. provide a deposit equal to 100 percent of the replacement cost. Such deposit will be returned when the books are returned. If books are not returned or paid for, the parent or legal guardian shall not be eligible to continue participation in the textbook rental program until all textbooks debts have been cleared.

E. Each LEA may establish the price and sell any textbook or library book no longer in use to any person or entity for private use.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(4), R.S. 17:8.3, R.S. 17:22, R.S. 17:351 et seq, R.S. 17:356, R.S. 1970.4, and R.S. 17:1970.24.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1286 (June 2005), amended LR 37:1141 (April 2011), LR 38:2365 (September 2012), LR 39:2212 (August 2013), LR 42:

## §1707. Disposal of Library Books and Textbooks

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:8.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1286 (June 2005), repealed LR 42:

### Family Impact Statement

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the state board office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

### Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on the Rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial security? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

### Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

### Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

### Public Comments

Interested persons may submit written comments via the U.S. Mail until 4:30 p.m., February 8, 2016, to Shan N. Davis, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Shan N. Davis  
Executive Director

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **Bulletin 741—Louisiana Handbook for School Administrators—Instructional Support**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
The proposed policy revisions are required to implement Act 389 of the 2015 Regular Legislative Session which revises procedures for the adoption, review, procurement, and distribution of textbooks and other instructional materials for use in elementary and secondary schools.  
The proposed policy revision will likely result in savings to state or local governmental units. The current policy requires the Department of Education to use committees of volunteers to review instructional materials and to provide a caravan of publishers going to every section of the state to present the approved instructional materials. The current process costs the state approximately \$200,000 each year. The proposed policy which involves online review of instructional materials will cost the state approximately \$20,000 per content area reviewed each year. It is estimated that two or three content areas will be reviewed each year based on available funds. School districts may use online reviews or continue with their usual process for adopting instructional materials.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
This policy will have no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)  
The proposed policy may result in savings for textbook companies who will no longer be required to attend trainings and review meetings, and to travel the state unless requested to do so by school districts.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
This policy will have no effect on competition and employment.

Beth Scioneaux  
Deputy Superintendent  
1601#035

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for  
School Administrators—Scheduling (LAC 28:CXV.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 741—Louisiana Handbook for School Administrators*: §901, Scheduling. The proposed policy revisions seek to increase student access to state and federal financial aid by requiring that students graduating spring 2018 and beyond have completed an application for financial aid or submitted a request to waive that requirement.

#### Title 28 EDUCATION

#### Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

#### Chapter 9. Scheduling

#### §901. Scheduling

A. - B.4. ...

5. By the end of the tenth grade, each student's individual graduation plan or the student's IEP, if applicable, shall outline the school graduation requirements relevant to the student's chosen postsecondary goals based on the student's academic record, talents, and interests. Using information provided by the LDE and the Office of Student Financial Assistance, LEAs shall provide the student and the student's parent or legal custodian information regarding state and federal need-based and merit-based financial aid programs to support postsecondary education and training. The LEA shall ensure that each student receives adequate support in completing and submitting an application for financial aid.

6. Each student, with the assistance of his parent or other legal custodian and school counselor shall choose the high school curriculum framework and related graduation requirements that best meet his postsecondary goals.

7. The individual graduation plan or the IEP, if applicable, shall be reviewed annually and updated as necessary to identify the courses to be taken each year until all required courses are completed.

C. Student scheduling shall be individually appropriate and flexible to allow entry into and exit from courses and course sequences that are available for meeting curricular requirements.

D. Beginning with the 2017-2018 school year, each graduating senior shall, as part of his individual graduation plan and as a requirement for graduation, complete at least one of the following steps to support a successful transition to postsecondary education or training:

1. complete and submit to the Office of Student Financial Assistance an application for a Taylor Opportunity Program for Students (TOPS) award;

2. complete and submit to the U.S. Department of Education a free application for federal student aid; or

3. a parent or legal custodian, or a student legally emancipated or of the legal age of majority, may certify a waiver in writing to the LEA if he refuses to complete such an application;

4. if a graduating senior is not able to fulfill the requirements of Subsection D of this Section due to extenuating circumstances, the LEA may apply for a waiver to be approved by the state superintendent of education to waive the student of this requirement for graduation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:175 and R.S. 17:183.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1271 (June 2005), amended LR 36:1498 (July 2010), LR 39:2204 (August 2013), LR 40:2522 (December 2014), LR 42:

#### Family Impact Statement

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the state board office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

#### Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on the Rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial security? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

#### Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the

objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

**Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

- 1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
- 2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
- 3. the overall effect on the ability of the provider to provide the same level of service.

**Public Comments**

Interested persons may submit written comments via the U.S. Mail until 4:30 p.m., February 8, 2016, to Shan N. Davis, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Shan N. Davis  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Bulletin 741—Louisiana Handbook  
for School Administrators**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed policy revision may result in increased costs to the state or local school districts if the Department of Education or the local school districts provide more training, extra staff, or other support services to assist students and parents in meeting the proposed financial aid application requirement. Many supports are already available for students, families, and schools. The Louisiana Office of Student Financial Assistance (LOSFA) currently sponsors programs such as College Bowl Sunday and provides training to school counselors; however, these outreach initiatives are funded with grant funds, which may not be available in FY 17 and thereafter, requiring an alternative funding source. Furthermore, LOSFA would require additional resources to increase current outreach initiatives for all graduating seniors. Finally, increased applications for TOPS could result in an increase in the level of scholarships awarded thereby increasing the overall cost of the TOPS program. The Department of Education anticipates providing \$1 million in grants, through the redirection of existing funds, to assist students, their families, and local school systems in meeting this requirement if waiver requests are not submitted.

The proposed policy revisions seek to increase student access to state and federal financial aid by requiring that students graduating in spring 2018 and beyond have completed an application for financial aid or submitted a request to waive that requirement.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

This policy will have no effect on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

There will be an increase in grants and scholarships awarded to students who complete the financial aid forms if they are determined to be eligible for federal and/or state financial aid for college.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This policy will have no effect on competition and employment.

Beth Scioneaux  
Deputy Superintendent  
1601#034

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 1794—State Textbook Adoption  
Policy and Procedure Manual  
(LAC 28:XXXIII.Chapters 1-21)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement the repeal of *Bulletin 1794—State Textbook Adoption Policy and Procedure Manual*. This action is required because the laws on which the policies are based were repealed by Act 389 of the 2015 Regular Legislative Session.

**Title 28  
EDUCATION**

**Part XXXIII. Bulletin 1794—State Textbook Adoption  
Policy and Procedure Manual**

**Chapter 1. Purpose**

**§101. Introduction**

Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 25:1436 (August 1999), repromulgated LR 26:991 (May 2000), amended LR 32:1030 (June 2006), repealed LR 42:

**Chapter 3. General Provisions**

**§301. Definitions**

Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 25:1436 (August 1999), repromulgated LR 26:992 (May 2000), amended LR 32:1030 (June 2006), LR 33:636 (April 2007), repromulgated LR 34:64 (January 2008), amended LR 35:646 (April 2009), repealed LR 42:

**§303. Textbook Approval**

Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S.17:8(A)(B); R.S. 17: 351(A)(B).

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 25:1437 (August 1999), repromulgated LR 26:992 (May 2000), amended LR 33:636 (April 2007), repealed LR 42:

**§303. Textbook Approval**

Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S.17:8(A)(B); R.S. 17: 351(A)(B).

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 25:1437 (August 1999), repromulgated LR 26:992 (May 2000), amended LR 33:636 (April 2007), repealed LR 42:

### **§305. Textbooks and Materials of Instruction**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1437 (August 1999), repromulgated LR 26:992 (May 2000), amended LR 29:124 (February 2003), LR 32:1031 (June 2006), repealed LR 42:

### **§307. Louisiana State Adoption Cycle and Time Lines**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1437 (August 1999), repromulgated LR 26:992 (May 2000), repealed LR 42:

### **§309. Funding for Textbooks**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1439 (August 1999), repromulgated LR 26:993 (May 2000), repealed LR 42:

### **§311. Invitation Circular Letter**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1440 (August 1999), repromulgated LR 26:995 (May 2000), amended LR 29:124 (February 2003), LR 35:647 (April 2009), repealed LR 42:

### **§313. Establish State Textbook Adoption Committee**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1440 (August 1999), repromulgated LR 26:996 (May 2000), repealed LR 42:

### **§315. Establish Criteria and Procedure for Evaluation and Selection of Textbooks and Materials of Instruction**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1440 (August 1999), repromulgated LR 26:996 (May 2000), amended LR 32:1031 (June 2006), repealed LR 42:

### **§317. Provide for a Publishers' Orientation**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1440 (August 1999), repromulgated LR 26:996 (May 2000), repealed LR 42:

### **§319. Establish Procedures for Concerned Citizens' Involvement in the Review Process and a Procedure for Response by Textbook Publishers**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1440 (August 1999), repromulgated LR 26:996 (May 2000), amended LR 33:637 (April 2007), repealed LR 42:

### **§321. Role and Responsibilities of the State Textbook Adoption Committee**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1441 (August 1999), repromulgated LR 26:997 (May 2000), repealed LR 42:

### **§325. Adopting Authority**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1441 (August 1999), repromulgated LR 26:997 (May 2000), repealed LR 42:

## **Chapter 5. Local School System Responsibilities**

### **§501. Local Planning**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1442 (August 1999), repromulgated LR 26:998 (May 2000), amended LR 33:637 (April 2007), repealed LR 42:

### **§503. Formal Adoption**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1442 (August 1999), repromulgated LR 26:998 (May 2000), amended LR 29:124 (February 2003), repealed LR 42:

### **§505. Local Implementation**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1442 (August 1999), repromulgated LR 26:998 (May 2000), amended LR 32:1031 (June 2006), repealed LR 42:

### **§507. Local Adoption Procedures**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1443 (August 1999), repromulgated LR 26:998 (May 2000), amended LR 29:124 (February 2003), LR 32:1031 (June 2006), LR 33:2067 (October 2007), repealed LR 42:

#### **§509. Ordering**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1443 (August 1999), repromulgated LR 26:999 (May 2000), repealed LR 42:

#### **§511. Direct Order of Textbooks**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1444 (August 1999), repromulgated LR 26:1000 (May 2000), repealed LR 42:

#### **§513. Waivers**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1444 (August 1999), repromulgated LR 26:1000 (May 2000), amended LR 35:1878 (September 2009), repealed LR 42:

#### **§515. Records and Reporting Requirements**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1444 (August 1999), repromulgated LR 26:1000 (May 2000), repealed LR 42:

#### **§517. Textbooks for Home Study Program**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13 (A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236-236.1; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1445 (August 1999), repromulgated LR 26:1001 (May 2000), amended LR 30:780 (April 2004), repealed LR 42:

#### **§519. Report on Status of Local Ordering—Late Delivery by Publishers**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1445 (August 1999), repromulgated LR 26:1001 (May 2000), repealed LR 42:

#### **§521. Sale of Textbooks No Longer in Use**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1445 (August 1999), repromulgated LR 26:1001 (May 2000), repealed LR 42:

#### **§523. Reasonable and Proper Care for and Control over Textbooks and Other Materials of Instruction**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1446 (August 1999), repromulgated LR 26:1001 (May 2000), amended LR 28:2329 (November 2002), repealed LR 42:

#### **§525. Ongoing Inventory System**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1446 (August 1999), repromulgated LR 26:1002 (May 2000), repealed LR 42:

### **Chapter 7. Publishers' Responsibilities**

#### **§701. Requirements for Publishers' Participation in State Textbook Adoption**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1446 (August 1999), repromulgated LR 26:1002 (May 2000), amended LR 29:125 (February 2003), LR 32:1031 (June 2006), LR 33:2067 (October 2007), repealed LR 42:

#### **§703. Publishers' Formal State Textbook and Materials of Instruction Submission**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1447 (August 1999), repromulgated LR 26:1003 (May 2000), repealed LR 42:

#### **§705. Notification of Required Hardware, Software, Special Equipment Needed by State Textbook Adoption Committee Members to Review Textbooks and Materials Submitted by Publishers**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1447 (August 1999), repromulgated LR 26:1003 (May 2000), repealed LR 42:

#### **§707. Submission of Correlations to State-Approved Content Standards/Curriculum Guides**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1447 (August 1999), repromulgated LR 26:1003 (May 2000), amended LR 32:1032 (June 2006), repealed LR 42:

**§709. Textbook Samples for Review by State Textbook Adoption Committee Members and State Citizens**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1447 (August 1999), repromulgated LR 26:1003 (May 2000), repealed LR 42:

**§711. Submission of Galley Proofs**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1448 (August 1999), repromulgated LR 26:1004 (May 2000), repealed LR 42:

**§713. Samples for Public Review**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1448 (August 1999), repromulgated LR 26:1004 (May 2000), repealed LR 42:

**§715. Role of the Publisher during State Committee Review**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1448 (August 1999), repromulgated LR 26:1004 (May 2000), repealed LR 42:

**§717. Written Questions and Responses to Questions Regarding Textbooks under Consideration**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1448 (August 1999), repromulgated LR 26:1004 (May 2000), amended LR 32:1032 (June 2006), repealed LR 42:

**§719. Publisher Conduct during the State Caravan**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the state Board of Elementary and Secondary Education, LR 25:1449 (August 1999), repromulgated LR 26:1005 (May 2000), repealed LR 42:

**§721. Obligations to Provide Textbooks and Materials of Instruction within Prescribed Time Periods**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1449 (August 1999), repromulgated LR 26:1005 (May 2000), repealed LR 42:

**§723. Braille Accessibility**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1449 (August 1999), repromulgated LR 26:1005 (May 2000), amended LR 33:637 (April 2007), repealed LR 42:

**Chapter 9. Appendix A**

**§901. Adoption Cycle**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1450 (August 1999), repromulgated LR 26:1005 (May 2000), amended LR 32:1032 (June 2006), repealed LR 42:

**Chapter 11. Appendix B**

**§1101. Publisher Affidavit**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1451 (August 1999), repromulgated LR 26:1006 (May 2000), repealed LR 42:

**Chapter 13. Appendix C**

**§1301. State Adoption Committee Affidavit**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1452 (August 1999), repromulgated LR 26:1007 (May 2000), repealed LR 42:

**Chapter 15. Appendix**

**§1501. Local Adoption Subcommittee Affidavit**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1453 (August 1999), repromulgated LR 26:1008 (May 2000), repealed LR 42:

**Chapter 17. Appendix E**

**§1701. Public Comment Form**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1453 (August 1999), repromulgated LR 26:1009 (May 2000), repealed LR 42:

**Chapter 19. Appendix F**

**§1901. Notice of Publisher's Failure to Deliver**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1454 (August 1999), repromulgated LR 26:1010 (May 2000), repealed LR 42:

## **Chapter 20. Appendix G**

### **§2001. National Instructional Materials Accessibility Standard (NIMAS)**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:637 (April 2005), repealed LR 42:

## **Chapter 21. Appendix, State Laws**

### **§2101. Free School Books**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1454 (August 1999), repromulgated LR 26:1010 (May 2000), repealed LR 42:

### **§2103. Duties, Functions, and Responsibilities of Board [R.S. 17:7(4)]**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1455 (August 1999), repromulgated LR 26:1010 (May 2000), repealed LR 42:

### **§2105. School Books Prescribed By Board; Contracts with Publishers [R.S. 17:8]**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1455 (August 1999), repromulgated LR 26:1010 (May 2000), repealed LR 42:

### **§2107. Sale of Schoolbooks No Longer in Use [R.S. 17:8.]**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1456 (August 1999), repromulgated LR 26:1011 (May 2000), repealed LR 42:

### **§2109. Operation of Public Elementary and Secondary Schools in Accordance with State Law or Policy: Penalties for Violation [R.S. 17:172]**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1456 (August 1999), repromulgated LR 26:1012 (May 2000), repealed LR 42:

### **§2111. Free School Books and other Materials of Instruction [R.S. 17:351]**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1456 (August 1999), repromulgated LR 26:1012 (May 2000), repealed LR 42:

### **§2113. Books, Films, Other School Materials; Screening Required [R.S. 17:352]**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1456 (August 1999), repromulgated LR 26:1012 (May 2000), repealed LR 42:

### **§2115. Costs of Administration; Textbooks and Instructional Material Distribution to Nonpublic School Students [R.S. 17:353]**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1456 (August 1999), repromulgated LR 26:1013 (May 2000), repealed LR 42:

### **§2117. Required Reports and Records; Cost Reimbursement to Approved Nonpublic Schools (Reimbursement of Required Costs) [R.S. 17:361]**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1457 (August 1999), repromulgated LR 26:1013 (May 2000), repealed LR 42:

### **§2119. Applications for Reimbursement [R.S. 17:362]**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of State Elementary and Secondary Education, LR 25:1457 (August 1999), repromulgated LR 26:1013 (May 2000), repealed LR 42:

### **§2121. Maintenance of Records [R.S. 17:363]**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 72; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1457 (August 1999), repromulgated LR 26:1013 (May 2000), repealed LR 42:

### **§2123. Payment [R.S. 17:364]**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1457 (August 1999), repromulgated LR 26:1013 (May 2000), repealed LR 42:

### **§2125. Audit [R.S. 17:365]**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1457 (August 1999), repromulgated LR 26:1013 (May 2000), repealed LR 42:

### **§2127. Materials; Adoption Procedures [R.S. 17:415.1]**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1457 (August 1999), repromulgated LR 26:1013 (May 2000), repealed LR 42:

**§2129. SCR 15 of 1997, Regular Session**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1457 (August 1999), repromulgated LR 26:1014 (May 2000), repealed LR 42:

**§2131. SCR 149 of 1997, Regular Session**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of State Elementary and Secondary Education, LR 25:1458 (August 1999), repromulgated LR 26:1014 (May 2000), repealed LR 42:

**§2132. R.S. 39:1615 Multi-Year Contracts**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of State Elementary and Secondary Education, LR 26:1014 (May 2000), repealed LR 42:

**§2133. Books for School; Special Plates [R.S. 47:463.46]**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1458 (August 1999), repromulgated LR 26:1014 (May 2000), repealed LR 42:

**Family Impact Statement**

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

**Poverty Impact Statement**

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on the Rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended,

or repealed a Rule in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial security? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

**Small Business Analysis**

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

**Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

**Public Comments**

Interested persons may submit written comments via the U.S. Mail until 4:30 p.m., February 8, 2016, to Shan N. Davis, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Shan N. Davis  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 1794—State Textbook Adoption  
Policy and Procedure Manual**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed policy revision will have no effect on costs or savings to state or local governmental units.

The repeal of *Bulletin 1794—State Textbook Adoption Policy and Procedure Manual* is the result of Act 389 of the 2015 Regular Legislative Session which repealed many of the laws on which the policies in Bulletin 1794 are based.

However, revised procedures for the adoption, review, procurement and distribution of textbooks and other instructional materials are being incorporated into Bulletin 741.

Potential savings to state and local governmental units, which may be realized as a result, are discussed in the Rule changes for that bulletin.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This policy will have no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There will be no estimated cost and/or economic benefit to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy will have no effect on competition and employment.

Beth Scioneaux  
Deputy Superintendent  
1601#020

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Organization—Advisory Councils (LAC 28:I.503)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to the *Louisiana Administrative Code*, Title 28, Part I, §503, Advisory Councils, to repeal the Textbook/Media/Library Advisory Council from the BESE code pursuant to Act 389 of the 2015 Regular Legislative Session. The changes repeal a policy creating the Textbook/Media/Library Advisory Council (TMLAC) and establishing its membership and operations. These revisions are being made in response to Act 389 of the 2015 Regular Legislative Session, which revised procedures for the adoption, review, procurement, and distribution of textbooks and other instructional materials for use in elementary and secondary schools. The Act specifically repealed statutes authorizing the TMLAC, instead requiring BESE to prescribe a process for textbook review, adoption, procurement, and distribution. As a part of this process, members of the public will have the opportunity to view textbooks under review and submit comments during the review period and prior to final adoption (R.S. 17:351.1).

#### Title 28

#### EDUCATION

#### Part I. Board of Elementary and Secondary Education

#### Chapter 5. Organization

#### §503. Advisory Councils

- A. - C.3.d.ii. ...
- 4. - 4.c.ii. Repealed.
- D. - G.8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:6(A)(15), R.S. 17:24.4, and R.S. 17:11.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:416 (March 2008), amended LR 35:1874 (September 2009), LR 36:2851 (December 2010), LR 37:2140 (July 2011), LR 38:772 (March 2012), LR:38:3152 (December 2012), LR 39:3263 (December 2013), LR 42:

### Family Impact Statement

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the state board office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

### Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on the Rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial security? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

### Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

### Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

**Public Comments**

Interested persons may submit written comments via the U.S. Mail until 4:30 p.m., February 8, 2016, to Shan N. Davis, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Shan N. Davis  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Organization—Advisory Councils**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The changes to Louisiana Administrative Code, Title 28, Part I, §503 repeal a policy creating the Textbook/Media/Library Advisory Council (TMLAC) and establishing its membership and operations. These revisions are being made in response to Act 389 of the 2015 Regular Legislative Session, which revised procedures for the adoption, review, procurement, and distribution of textbooks and other instructional materials for use in elementary and secondary schools. The Act specifically repealed statutes authorizing the TMLAC, instead requiring BESE to prescribe a process for textbook review, adoption, procurement, and distribution. As a part of this process, members of the public will have the opportunity to view textbooks under review and submit comments during the review period and prior to final adoption (R.S. 17:351.1).

This policy change will have no fiscal effect other than an estimated cost of \$426 to advertise in the Louisiana Register (two pages at the cost of \$213 per page).

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

This action will have no effect on revenue collections of state or local government units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

This action will have no effect on cost and/or economic benefits to directly affected persons or non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This action will have no effect on competition or employment.

Shan N. Davis  
Executive Director  
1601#014

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Environmental Quality  
Office of the Secretary  
Legal Division**

**Definitions of Major Source and  
Major Stationary Source Relative to Greenhouse Gases  
(LAC 33:III.502 and 509)(AQ358)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.502.A and 509.B (AQ358).

This Rule will delete the major source threshold for greenhouse gases (GHGs) (ie., 100,000 tons per year of carbon dioxide equivalents, or CO<sub>2</sub>e) from the definitions of "major source" in LAC 33:III.502.A and "major stationary source" in LAC 33:III.509.B. These definitions are used to determine applicability of the part 70 (title V) operating permits and prevention of significant deterioration (PSD) programs under LAC 33:III.507 and 509, respectively. In *Utility Air Regulatory Group v. EPA*, decided June 23, 2014, the U.S. Supreme Court found that:

EPA exceeded its statutory authority when it interpreted the Clean Air Act to require PSD and Title V permitting for stationary sources based on their greenhouse gas emissions. Specifically, the Agency may not treat greenhouse gases as a pollutant for purposes of defining a "major emitting facility" (or a "modification" thereof) in the PSD context or a "major source" in the Title V context. To the extent its regulations purport to do so, they are invalid.

In sum, the court held that a stationary source could not be considered a major source for title V or PSD purposes based solely on its emissions of GHGs. The basis and rationale for this Rule are to delete the major source threshold for GHGs from the definitions of major source in LAC 33:III.502.A and major stationary source in LAC 33:III.509.B consistent with the aforementioned Supreme Court decision. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Title 33  
ENVIRONMENTAL QUALITY  
Part III. Air**

**Chapter 5. Permit Procedures  
§502. Definitions**

A. Except where specifically provided in another Section herein, the following definitions apply to terms used in this Chapter. Except as provided in this Chapter, terms used in this Chapter retain the definition provided them in LAC 33:III.111 or the Louisiana Air Quality regulations. Wherever provisions related to the Acid Rain Program are concerned, the definitions provided in 40 CFR part 72 shall apply.

\* \* \*

*Major Source*—for the purposes of determining the applicability of 40 CFR part 70 or of LAC 33:III.507, any stationary source or any group of stationary sources that are located on one or more contiguous or adjacent properties, that are under common control of the same person (or persons under common control), and that are described in Subparagraph a, b, or c of this definition:

a. - b.ii. ...

c. any major stationary source as defined in part D (nonattainment) of title I of the Clean Air Act, including any source defined as a major stationary source under LAC 33:III.504.K.

d. Repealed.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2445 (November 2000), LR 28:1950 (September 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 36:2553 (November 2010), LR 37:1148 (April 2011), LR 37:1391 (May 2011), amended by the Office of the Secretary, Legal Division, LR 41:2608 (December 2015), LR 42:

**§509. Prevention of Significant Deterioration**

A. - A.5. ...

B. Definitions. For the purpose of this Section, the terms below shall have the meaning specified herein as follows.

\* \* \*

*Major Stationary Source*—

a. - b. ...

c. any physical change that would occur at a source not otherwise qualifying as a major stationary source under Subparagraphs a or b of this definition if the change would constitute a major source by itself;

d. a major source that is major for volatile organic compounds or nitrogen oxides shall be considered major for ozone;

e. the fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this Section whether it is a major stationary source, unless the source is listed in Table A of this definition or, as of August 7, 1980, is being regulated under section 111 or 112 of the Clean Air Act.

Table A—Stationary Sources of Air Pollutants	
1	Fossil fuel-fired steam electric plants of more than 250 million British thermal units (Btu) per hour heat input
2	Coal cleaning plants (with thermal dryers)
3	Kraft pulp mills
4	Portland cement plants
5	Primary zinc smelters
6	Iron and steel mill plants
7	Primary aluminum ore reduction plants
8	Primary copper smelters
9	Municipal incinerators capable of charging more than 250 tons of refuse per day
10	Hydrofluoric, sulfuric, and nitric acid plants
11	Petroleum refineries
12	Lime plants
13	Phosphate rock processing plants
14	Coke oven batteries
15	Sulfur recovery plants

Table A—Stationary Sources of Air Pollutants	
16	Carbon black plants (furnace process)
17	Primary lead smelters
18	Fuel conversion plants
19	Sintering plants
20	Secondary metal production plants
21	Chemical process plants
22	Fossil fuel boilers (or combinations thereof) totaling more than 250 million Btu per hour heat input.
23	Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels
24	Taconite ore processing plants
25	Glass fiber processing plants
26	Charcoal production plants

\* \* \*

C. - AA.15.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:348 (June 1988), LR 16:613 (July 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:478 (May 1991), LR 21:170 (February 1995), LR 22:339 (May 1996), LR 23:1677 (December 1997), LR 24:654 (April 1998), LR 24:1284 (July 1998), repromulgated LR 25:259 (February 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2447 (November 2000), LR 27:2234 (December 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2437 (October 2005), LR 31:3135, 3156 (December 2005), LR 32:1600 (September 2006), LR 32:1843 (October 2006), LR 36:2556 (November 2010), LR 37:1148 (April 2011), repromulgated LR 37:1389 (May 2011), amended LR 37:1570 (June 2011), repromulgated LR 37:2146 (July 2011), amended by the Office of the Secretary, Legal Division, LR 38:3163 (December 2012), LR 39:1280 (May 2013), LR 42:

**Family Impact Statement**

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

This Rule has no known impact on poverty as described in R.S. 49:973.

**Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

**Public Comments**

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ358. Such comments must be received no later than March 3, 2016, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to deidra.johnson@la.gov. Copies of these proposed regulations can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ358. These proposed regulations are available on the internet at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://www.deq.louisiana.gov/portal/tabid/1669/default.aspx).

**Public Hearing**

A public hearing will be held on February 25, 2016, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 North Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral

comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 North Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson  
General Counsel

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Definitions of Major Source and Major  
Stationary Source Relative to Greenhouse Gases**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There are no estimated implementation costs or savings to state or local governmental units as a result of the proposed rule. The proposed rule change will delete the major source threshold for greenhouse gases (i.e., 100,000 tons per year of carbon dioxide equivalents) from the definitions of “major source” and “major stationary source” in current rule. These definitions are used to determine applicability of the Part 70 (Title V) Operating Permits and Prevention of Significant Deterioration programs, respectively. Based on the U.S. Supreme Court’s decision in *Utility Air Regulatory Group v. EPA*, stationary sources with the potential to emit more than 100,000 tons per year of carbon dioxide equivalents will no longer be considered “major” under the Title V and Prevention of Significant Deterioration programs based solely on their emissions of greenhouse gases.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE  
OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no estimated effect on revenue collections of state or local governmental units as a result of the proposed rule.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL  
GROUPS (Summary)**

Owners/operators of stationary sources with the potential to emit more than 100,000 tons per year of carbon dioxide equivalents (CO<sub>2</sub>e) will be affected by the proposed action. However, there will be no compliance-related costs, workload adjustments, or additional administrative obligations required to comply with the proposed rule.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)**

There is no estimated effect on competition or employment in the public or private sector as a result of the proposed rule.

Herman Robinson  
General Counsel  
1601#023

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Environmental Quality  
Office of the Secretary  
Legal Division**

Hazardous Waste Electronic Manifest  
(LAC 33:V.109, 1107, 1301, 1307 and 1516)(HW117ft)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Hazardous Waste regulations, LAC 33:V.109, 1107, 1301, 1307 and 1516 (Log #HW117ft).

This Rule is identical to federal regulations found in 79 FR 26, which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3985 or P.O. Box 4302, Baton Rouge, LA 70821-4302. No fiscal or economic impact will result from the Rule. This Rule will be promulgated in accordance with the procedures in R.S. 49:953(F)(3) and (4).

This Rule adopts the federal electronic manifest system for tracking shipments of hazardous waste in Louisiana. Louisiana's hazardous waste program operates under a federal grant from the U.S. EPA. In order to maintain this grant, the state's hazardous waste regulations are required to be equivalent to or more stringent than the corresponding federal regulations. The basis and rationale of this Rule are to mirror the federal regulations. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Title 33**

**ENVIRONMENTAL QUALITY**

**Part V. Hazardous Waste and Hazardous Materials**

**Subpart 1. Department of Environmental Quality—  
Hazardous Waste**

**Chapter 1. General Provisions and Definitions**

**§109. Definitions**

For all purposes of these rules and regulations, the terms defined in this Chapter shall have the following meanings, unless the context of use clearly indicates otherwise.

\* \* \*

*Electronic Manifest (or e-Manifest)*—the electronic format of the hazardous waste manifest that is obtained from EPA's national e-manifest system and transmitted electronically to the system, and that is the legal equivalent of EPA Forms 8700-22 (manifest) and 8700-22A (continuation sheet).

*Electronic Manifest System (or e-Manifest System)*—EPA's national information technology system through which the electronic manifest may be obtained, completed, transmitted, and distributed to users of the electronic manifest and to regulatory agencies.

\* \* \*

*Manifest*—the shipping document EPA Form 8700-22 (including, if necessary, EPA Form 8700-22A), or the

electronic manifest, originated and signed by the generator or offeror in accordance with the instructions in the appendix to 40 CFR part 262 and the applicable requirements of 40 CFR parts 262-265.

\* \* \*

*User of the Electronic Manifest System*—a hazardous waste generator; a hazardous waste transporter; an owner or operator of a hazardous waste treatment, storage, recycling, or disposal facility; or any other person that:

1. is required to use a manifest to comply with:
  - a. any federal or state requirement to track the shipment, transportation, and receipt of hazardous waste or other waste material that is shipped from the site of generation to an off-site designated facility for treatment, storage, recycling, or disposal; or
  - b. any federal or state requirement to track the shipment, transportation, and receipt of rejected wastes or regulated container residues that are shipped from a designated facility to an alternative facility, or returned to the generator; and
2. elects to use the system to obtain, complete, and transmit an electronic manifest format supplied by the EPA electronic manifest system; or
3. elects to use the paper manifest form and submits to the system for data processing purposes a paper copy of the manifest (or data from such a paper copy), in accordance with LAC 33:V.1516.B.1.e.

[NOTE: These paper copies are submitted for data exchange purposes only and are not the official copies of record for legal purposes.]

\* \* \*

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2180 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790, 791 (November 1988), LR 15:378 (May 1989), LR 15:737 (September 1989), LR 16:218, 220 (March 1990), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 16:683 (August 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 18:1375 (December 1992), repromulgated by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 19:626 (May 1993), amended LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:814 (September 1996), LR 23:564 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:655 (April 1998), LR 24:1101 (June 1998), LR 24:1688 (September 1998), LR 25:433 (March 1999), repromulgated LR 25:853 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:269 (February 2000), LR 26:2465 (November 2000), LR 27:291 (March 2001), LR 27:708 (May 2001), LR 28:999 (May 2002), LR 28:1191 (June 2002), LR 29:318 (March 2003); amended by the Office of the Secretary, Legal Affairs Division, LR 31:2452 (October 2005), LR 31:3116 (December 2005), LR 32:606 (April 2006), LR 32:822 (May 2006), LR 33:1625 (August 2007), LR 33:2098 (October 2007), LR 34:71 (January 2008), LR 34:615 (April 2008), LR 34:1009 (June 2008), LR 34:1894 (September 2008), LR 34:2396 (November 2008), LR 36:1235 (June 2010), repromulgated LR 36:1535 (July 2010), amended LR 36:2554 (November 2010), LR 38:774, 781 (March 2012), repromulgated LR 38:1009 (April 2012), amended by the Office of the Secretary, Legal Division, LR 40:1338 (July 2014), LR 41:2600 (December 2015), LR 42:

## **Chapter 11. Generators**

### **Subchapter A. General**

#### **§1107. The Manifest System**

A. - A.8. ...

9. Electronic Manifest. In lieu of using the manifest form specified in Paragraph A.1 of this Section, a person required to prepare a manifest under Paragraph A.1 of this Section may prepare and use an electronic manifest, provided that the person:

- a. complies with the requirements in LAC 33:V.1107.F for use of electronic manifests; and
- b. complies with the requirements of 40 CFR 3.10 for the reporting of electronic documents to EPA.

B. - E.2. ...

#### **F. Use of the Electronic Manifest**

1. Legal Equivalence to Paper Manifests. Electronic manifests that are obtained, completed, and transmitted in accordance with LAC 33:V.1107.A.9, and used in accordance with this Section in lieu of EPA Forms 8700-22 and 8700-22A are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in these regulations to obtain, complete, sign, provide, use, or retain a manifest.

a. Any requirement in these regulations to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of LAC 33:V.1107.G.

b. Any requirement in these regulations to give, provide, send, forward, or return to another person a copy of the manifest is satisfied when an electronic manifest is transmitted to the other person by submission to the system.

c. Any requirement in these regulations for a generator to keep or retain a copy of each manifest is satisfied by retention of a signed electronic manifest in the generator's account on the national e-manifest system, provided that such copies are readily available for viewing and production if requested by any EPA or authorized state inspector.

d. No generator may be held liable for the inability to produce an electronic manifest for inspection under this Section if the generator can demonstrate that the inability to produce the electronic manifest is due exclusively to a technical difficulty with the electronic manifest system for which the generator bears no responsibility.

2. A generator may participate in the electronic manifest system either by accessing the electronic manifest system from its own electronic equipment, or by accessing the electronic manifest system from portable equipment brought to the generator's site by the transporter who accepts the hazardous waste shipment from the generator for off-site transportation.

3. Restriction on Use of Electronic Manifests. A generator may prepare an electronic manifest for the tracking of hazardous waste shipments involving any RCRA hazardous waste only if it is known at the time the manifest is originated that all waste handlers named on the manifest participate in the electronic manifest system.

4. Requirement for One Printed Copy. To the extent the Hazardous Materials regulation on shipping papers for carriage by public highway requires shippers of hazardous materials to supply a paper document for compliance with

49 CFR 177.817, a generator originating an electronic manifest must also provide the initial transporter with one printed copy of the electronic manifest.

5. Special Procedures when Electronic Manifest is Unavailable. If a generator has prepared an electronic manifest for a hazardous waste shipment, but the electronic manifest system becomes unavailable for any reason prior to the time that the initial transporter has signed electronically to acknowledge the receipt of the hazardous waste from the generator, then the generator must obtain and complete a paper manifest and if necessary, a continuation sheet (EPA Forms 8700-22 and 8700-22A) in accordance with the manifest instructions in the appendix to 40 CFR part 262, and use these paper forms from this point forward in accordance with the requirements of LAC 33:V.1107.D.

6. Special Procedures for Electronic Signature Methods Undergoing Tests. If a generator has prepared an electronic manifest for a hazardous waste shipment, and signs this manifest electronically using an electronic signature method which is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, then the generator shall also sign with an ink signature the generator/offeror certification on the printed copy of the manifest provided under LAC 33:V.1107.F.4.

7. Imposition of User Fee. A generator who is a user of the electronic manifest may be assessed a user fee by EPA for the origination of each electronic manifest. EPA shall maintain and update from time-to-time the current schedule of electronic manifest user fees, which shall be determined based on current and projected system costs and level of use of the electronic manifest system. The current schedule of electronic manifest user fees shall be published as an appendix to 40 CFR part 262.

#### G. Electronic Manifest Signatures

1. Electronic signature methods for the e-Manifest system shall be a:

a. legally valid and enforceable signature under applicable EPA and other federal requirements pertaining to electronic signatures; and

b. method that is designed and implemented in a manner that EPA considers to be as cost effective and practical as possible for the users of the manifest.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 12:319 (May 1986), LR 16:220 (March 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:1256 (November 1992), LR 20:1109 (October 1994), LR 21:266, 267 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1693 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2470 (November 2000), LR 27:42 (January 2001), LR 27:709 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:823 (May 2006), LR 33:89 (January 2007), repromulgated LR 33:281 (February 2007), amended LR 33:2101 (October 2007), LR 34:622 (April 2008), LR 38:775 (March 2012), amended by the Office of the Secretary, Legal Division, LR 42:

## Chapter 13. Transporters

### §1301. Applicability

A. The revised manifest form and procedures in 40 CFR 260.10, 261.7, 263.20, and 263.21, had an effective date of September 5, 2006. The manifest form and procedures in 40 CFR 260.10, 261.7, 263.20, and 263.21, contained in 40 CFR parts 260 to 265, edition revised as of July 1, 2004, were applicable until September 5, 2006. This Chapter establishes standards that apply to persons transporting hazardous waste within the state of Louisiana if the transportation requires a manifest under LAC 33:V.1516.

B. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:666 (April 1998), LR 24:1694 (September 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 32:824 (May 2006), LR 38:789 (March 2012), amended by the Office of the Secretary, Legal Division, LR 42:

### §1307. The Manifest System

A. A transporter may not accept hazardous waste from a generator or another transporter unless it is accompanied by a manifest form (EPA Form 8700-22, and if necessary, EPA Form 8700-22A), signed by the generator in accordance with the provisions of LAC 33:V.1107, or is provided with an electronic manifest that is obtained, completed, and transmitted in accordance with LAC 33:V.1107.A.9, and signed with a valid and enforceable electronic signature as described in LAC 33:V.1107.G. The transportation of any hazardous wastes without a manifest shall be deemed a violation of these regulations and the Act. In the case of exports other than those subject to LAC 33:V.1125, a transporter may not accept such waste from a primary exporter or other person:

1. ...

2. unless, in addition to a manifest signed by the generator, such waste is also accompanied by an EPA acknowledgment of consent which, except for shipments by rail, is attached to the manifest, or shipping paper for exports by water (bulk shipment). For exports of hazardous waste subject to the requirements of LAC 33:V.1125, a transporter may not accept hazardous waste without a tracking document that includes all information required by LAC 33:V.1127.D.

B. - H.4. ...

I. Use of Electronic Manifest—Legal Equivalence to Paper Forms for Participating Transporters. Electronic manifests that are obtained, completed, and transmitted in accordance with LAC 33:V.1107.A.9, and used in accordance with this Section in lieu of EPA Forms 8700-22 and 8700-22A, are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in these regulations to obtain, complete, sign, carry, provide, give, use, or retain a manifest.

1. Any requirement in these regulations to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with, or

obtaining a valid and enforceable electronic signature within the meaning of LAC 33:V.1107.G.

2. Any requirement in these regulations to give, provide, send, forward, or return to another person a copy of the manifest is satisfied when a copy of an electronic manifest is transmitted to the other person by submission to the system.

3. Any requirement in these regulations for a manifest to accompany a hazardous waste shipment is satisfied when a copy of an electronic manifest is accessible during transportation and forwarded to the person or persons who are scheduled to receive delivery of the waste shipment, except that to the extent that the hazardous materials regulation on shipping papers for carriage by public highway requires transporters of hazardous materials to carry a paper document to comply with 49 CFR 177.817, a hazardous waste transporter must carry one printed copy of the electronic manifest on the transport vehicle.

4. Any requirement in these regulations for a transporter to keep or retain a copy of a manifest is satisfied by the retention of an electronic manifest in the transporter's account on the e-manifest system, provided that such copies are readily available for viewing and production if requested by any EPA or authorized state inspector.

5. No transporter may be held liable for the inability to produce an electronic manifest for inspection under this Section, if that transporter can demonstrate that the inability to produce the electronic manifest is exclusively due to a technical difficulty with the EPA system for which the transporter bears no responsibility.

J. A transporter may participate in the electronic manifest system either by accessing the electronic manifest system from the transporter's own electronic equipment, or by accessing the electronic manifest system from the equipment provided by a participating generator, by another transporter, or by a designated facility.

K. Special Procedures when Electronic Manifest is not Available. If after a manifest has been originated electronically and signed electronically by the initial transporter, and the electronic manifest system should become unavailable for any reason, then the following requirements shall be met:

1. the transporter in possession of the hazardous waste when the electronic manifest becomes unavailable shall reproduce sufficient copies of the printed manifest that is carried on the transport vehicle pursuant to LAC 33:V.1307.I.1.c, or obtain and complete another paper manifest for this purpose. The transporter shall reproduce sufficient copies to provide the transporter and all subsequent waste handlers with a copy for their files, plus two additional copies that will be delivered to the designated facility with the hazardous waste;

2. on each printed copy, the transporter shall include a notation in the special handling and additional description space (item 14) that the paper manifest is a replacement manifest for a manifest originated in the electronic manifest system, shall include (if not pre-printed on the replacement manifest) the manifest tracking number of the electronic manifest that is replaced by the paper manifest, and shall also include a brief explanation why the electronic manifest was not available for completing the tracking of the shipment electronically;

3. a transporter signing a replacement manifest to acknowledge receipt of the hazardous waste must ensure that each paper copy is individually signed and that a legible handwritten signature appears on each copy; and

4. from the point at which the electronic manifest is no longer available for tracking the waste shipment, the paper replacement manifest copies shall be carried, signed, retained as records, and given to a subsequent transporter or to the designated facility, following the instructions, procedures, and requirements that apply to the use of all other paper manifests.

L. Special Procedures for Electronic Signature Methods Undergoing Tests. If a transporter using an electronic manifest signs this manifest electronically using an electronic signature method, which is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, then the transporter shall sign the electronic manifest electronically, and also sign with an ink signature the transporter acknowledgement of receipt of materials on the printed copy of the manifest that is carried on the vehicle in accordance with LAC 33:V.1307.I.1.c. This printed copy bearing the generator's and transporter's ink signatures shall also be presented by the transporter to the designated facility to sign in ink to indicate the receipt of the waste materials or to indicate discrepancies. After the owner/operator of the designated facility has signed this printed manifest copy with its ink signature, the printed manifest copy shall be delivered to the designated facility with the waste materials.

M. Imposition of User Fee for Electronic Manifest Use. A transporter who is a user of the electronic manifest may be assessed a user fee by EPA for the origination or processing of each electronic manifest. EPA shall maintain and update from time-to-time the current schedule of electronic manifest user fees, which shall be determined based on current and projected system costs and level of use of the electronic manifest system. The current schedule of electronic manifest user fees shall be published as an appendix to 40 CFR Part 262.

N. Electronic Manifest Signatures. Electronic manifest signatures shall meet the criteria described in LAC 33:V.1107.G.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:220 (March 1990), LR 18:1256 (November 1992), LR 20:1109 (October 1994), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:666 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:710 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:824 (May 2006), amended by the Office of the Secretary, Legal Division, LR 42:

## **Chapter 15. Treatment, Storage, and Disposal Facilities**

### **§1516. Manifest System for Treatment, Storage, and Disposal (TSD) Facilities**

- A. - A.2. ...
- B. Use of the Manifest System
  - 1. - 1.d. ...
  - e. within 30 days of delivery, send the top copy (page 1) of the manifest to the e-manifest system for

purposes of data entry and processing. In lieu of mailing this paper copy to EPA, the owner or operator may transmit to the EPA system an image file of page 1 of the manifest, or both a data string file and the image file corresponding to page 1 of the manifest. Any data or image files transmitted to EPA under this Subparagraph must be submitted in data file and image file formats that are acceptable to EPA and that are supported by EPA's electronic reporting requirements and by the electronic manifest system; and

f. retain at the facility a copy of each manifest for at least three years from the date of delivery.

B.2. - D.7. ...

\* \* \*

E. Reserved.

F. Legal Equivalence to Paper Manifests. Electronic manifests that are obtained, completed, and transmitted in accordance with LAC 33:V.1107.A.9, and used in accordance with this section in lieu of the paper manifest form are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in these regulations to obtain, complete, sign, provide, use, or retain a manifest.

1. Any requirement in these regulations for the owner or operator of a facility to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of 40 CFR 262.25.

2. Any requirement in these regulations to give, provide, send, forward, or to return to another person a copy of the manifest is satisfied when a copy of an electronic manifest is transmitted to the other person.

3. Any requirement in these regulations for a manifest to accompany a hazardous waste shipment is satisfied when a copy of an electronic manifest is accessible during transportation and forwarded to the person or persons who are scheduled to receive delivery of the waste shipment.

4. Any requirement in these regulations for an owner or operator to keep or retain a copy of each manifest is satisfied by the retention of the facility's electronic manifest copies in its account on the e-manifest system, provided that such copies are readily available for viewing and production if requested by any EPA or authorized state inspector.

5. No owner or operator may be held liable for the inability to produce an electronic manifest for inspection under this Section if the owner or operator can demonstrate that the inability to produce the electronic manifest is due exclusively to a technical difficulty with the electronic manifest system for which the owner or operator bears no responsibility.

G. An owner or operator may participate in the electronic manifest system either by accessing the electronic manifest system from the owner's or operator's electronic equipment, or by accessing the electronic manifest system from portable equipment brought to the owner's or operator's site by the transporter who delivers the waste shipment to the facility.

H. Special Procedures Applicable to Replacement Manifests. If a facility receives hazardous waste that is accompanied by a paper replacement manifest for a manifest that was originated electronically, the following procedures shall apply to the delivery of the hazardous waste by the final transporter.

1. Upon delivery of the hazardous waste to the designated facility, the owner or operator must sign and date each copy of the paper replacement manifest by hand in item 20 (designated facility certification of receipt) and note any discrepancies in item 18 (discrepancy indication space) of the paper replacement manifest.

2. The owner or operator of the facility must give one copy of the paper replacement manifest back to the final transporter.

3. Within 30 days of delivery of the waste to the designated facility, the owner or operator of the facility must send one signed and dated copy of the paper replacement manifest to the generator, and send an additional signed and dated copy of the paper replacement manifest to the electronic manifest system.

4. The owner or operator of the facility must retain at the facility one copy of the paper replacement manifest for at least three years from the date of delivery.

I. Special Procedures Applicable to Electronic Signature Methods Undergoing Tests. If an owner or operator using an electronic manifest signs this manifest electronically using an electronic signature method, which is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, then the owner or operator shall also sign with an ink signature the facility's certification of receipt or discrepancies on the printed copy of the manifest provided by the transporter. Upon executing its ink signature on this printed copy, the owner or operator shall retain this original copy among its records for at least three years from the date of delivery of the waste.

J. Imposition of User Fee for Electronic Manifest Use. An owner or operator who is a user of the electronic manifest format may be assessed a user fee by EPA for the origination or processing of each electronic manifest. An owner or operator may also be assessed a user fee by EPA for the collection and processing of paper manifest copies that owners or operators must submit to the electronic manifest system operator under LAC 33:V.1516.B.1.e. EPA shall maintain and update from time-to-time the current schedule of electronic manifest system user fees, which shall be determined based on current and projected system costs and level of use of the electronic manifest system. The current schedule of electronic manifest user fees shall be published as an appendix to 40 CFR part 262.

K. Electronic Manifest Signatures. Electronic manifest signatures shall meet the criteria described in 40 CFR 262.25.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:825 (May 2006), amended LR 33:2104 (October 2007), LR 34:623 (April 2008), LR 34:1012 (June 2008), LR 38:777, 789 (March 2012), amended by the Office of the Secretary, Legal Division, LR 42:

#### **Family Impact Statement**

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

#### **Poverty Impact Statement**

This Rule has no known impact on poverty as described in R.S. 49:973.

**Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

**Public Comments**

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by HW117ft. Such comments must be received no later than February 25, 2016, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to deidra.johnson@la.gov. The comment period for this Rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of HW117ft. This regulation is available on the internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

**Public Hearing**

A public hearing will be held on February 25, 2016, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 North Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 North Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson  
General Counsel

1601#024

**NOTICE OF INTENT**

**Office of the Governor**

**Board of Examiners of Certified Shorthand Reporters**

Certification Affidavit of Court Reporting Firm  
(LAC 46:XXI.1303)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Louisiana Board of Examiners of Certified Shorthand Reporters proposes to adopt changes made to the court reporting procedures rule.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL STANDARDS**

**Part XXI. Certified Shorthand Reporters**

**Chapter 13. Code of Ethics**

**§1303. Employment Relationship with Court Reporting Firm**

- A. - D. ...
- E. Certification Affidavit of Court Reporting Firm

**CERTIFICATION AFFIDAVIT OF COURT REPORTING FIRM**

STATE OF \_\_\_\_\_  
PARISH OR COUNTY OF \_\_\_\_\_

BEFORE ME, the undersigned authority, duly qualified to take acknowledgments and administer oaths within the state and locality inscribed above, personally appeared

\_\_\_\_\_ ("Affiant"), who is representing

\_\_\_\_\_, a \_\_\_\_\_ [state] corporation [or limited liability company or other form of business organization] that is doing business in Louisiana as a court reporting firm as defined by Acts 2014, No. 839 (hereinafter, "Court Reporting Firm"). The physical address of the entity's principal place of business is \_\_\_\_\_ [street and suite number, if any] in \_\_\_\_\_ [city], State of \_\_\_\_\_, Zip \_\_\_\_\_, Telephone: ( ) \_\_\_\_\_, Email \_\_\_\_\_.

After being duly sworn, Affiant did attest as follows:

1. Affiant is a knowledgeable representative who is authorized to act on behalf of the Court Reporting Firm in executing this Certification Affidavit.

2. The Court Reporting Firm has engaged a Louisiana licensed court reporter to perform court reporting services in connection with the deposition(s) of \_\_\_\_\_ [identify by name each deponent covered by this certification; attach additional sheets if necessary] to be taken in the following proceeding: \_\_\_\_\_ vs. \_\_\_\_\_

pending in the \_\_\_\_\_ Court under matter number \_\_\_\_\_.

3. Affiant certifies, after performing due diligence, that the Court Reporting Firm has no prohibited employment or contractual relationship, direct or indirect, under Louisiana Code of Civil Procedure Article 1434 with a party litigant in the matter for which the court reporter's services have been engaged. Affiant further acknowledges affiant's duty to provide information and will provide information promptly to the Louisiana Board of Examiners of Certified Shorthand Reporters (hereinafter, "CSR Board") regarding any change in these relationships or in Affiant's knowledge of these relationships.

4. Affiant attaches hereto the schedule of all charges and other disclosures that the court reporter must have available at the time of taking the deposition.

5. Affiant further states that Affiant is familiar with the nature of an oath and with penalties as provided by applicable state laws for falsely swearing to statements made in an instrument of this nature. Affiant further certifies that Affiant has read and understands the full facts and content of this Affidavit.

SIGNATURE OF AFFIANT: \_\_\_\_\_  
Sworn before me this me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
Notary Public \_\_\_\_\_  
Print name:  
My commission expires:

Each completed Firm Certification Affidavit in the foregoing form must be filed with the CSR Board by the taking court reporter within 30 days of the date of the deposition. The filing does not need to include the schedule of charges.

orally or in writing. The deadline for the receipt of all comments is 4:30 p.m. that same day.

Judge Paul A. Bonin  
Chair

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Certification Affidavit  
of Court Reporting Firm**

**I, a Louisiana Licensed Court Reporter, as the officer who took the depositions(s), hereby submit this certification affidavit via \_\_\_\_\_ [facsimile/e-mail] within 30 days of the date of the depositions to which this certification applies. I further certify that I have received the required schedule of all charges and other disclosures from the Court Reporting Firm in connection with this certification and acknowledge my obligation to maintain the schedule for a minimum of three years.**

**I have read and confirmed that the language of the certification affidavit conforms with the form promulgated by the CSR Board. I have listed below or on additional pages, if necessary, the name and contact information for each taking attorney.**

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Date  
\_\_\_\_\_  
Printed Name  
\_\_\_\_\_  
LA CCR NO.  
Taking Attorney Name: \_\_\_\_\_  
Firm Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule change will not result in any implementation costs (or savings) to state or local governmental units other than those one-time costs directly associated with the publication and dissemination of this rule. The proposed rule change consists of updating certification pages to ensure that all court reporters are in compliance by confirming they have no financial, contractual, or other relationship with any party litigant in the matter being reported and ensuring the presiding attorney at the confirmation is identified in the affidavit.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no effect on revenue collections to state or local governmental units as a result of the proposed rule change.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups associated with the proposed rule change. The proposed rule change requires the presiding attorney and the law firm employing the presiding attorney be listed on the Certification Affidavit of Court Reporting. The current rule requires an attorney to be present, however it was not required they be listed on the affidavit.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no anticipated effect on competition or employment as a result of this rule change.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:2557(B), R.S. 37:2555(G), and R.S. 37:2556(D).

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Board of Examiners of Certified Shorthand Reporters, LR 41:335 (February 2015), amended LR 42:

**Family Impact Statement**

The proposed Rule changes have no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the impact of the proposed rules has been considered.

**Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

**Public Comments**

Interested persons may submit written comments on the proposed changes until 4 p.m., February 10, 2016 to Judge Paul A. Bonin, Chair of the Louisiana Board of Examiners of Certified Shorthand Reporters, 1450 Poydras Street, Suite 630, New Orleans, LA 70112.

**Public Hearing**

A public hearing on this proposed Rule is scheduled for Wednesday, February 10, 2016 at 3 p.m. in the board office at 1450 Poydras Street, Suite 630, New Orleans, LA 70112. At that time, all interested persons will be afforded an opportunity to submit data, views, or arguments, either

Judge Paul A. Bonin  
Chair  
1601#030

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Board of Nursing**

Undergraduate and Graduate Nursing Education  
Degree Programs (LAC 46:XLVII.Chapter 35 and 4509)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 37:918, that the Louisiana State Board of Nursing (LSBN) is amending Chapter 35 and Chapter 45. The proposed Rule changes will allow the Louisiana State Board of Nursing to combine Chapter 35, which focuses on undergraduate nursing programs, and Chapter 45, section 4509, which focuses on graduate nursing programs. In addition, Chapter 35 has been

revised to align with current national nursing trends and practices. Chapter 35 will provide guidelines regarding the following for undergraduate and graduate nursing education programs: (1) program approval; (2) program closure; and (3) day-to-day operating requirements. These proposed changes will provide clarity to expectations of the Louisiana State Board of Nursing for in-state and out-of-state undergraduate and graduate nursing education programs.

#### **Title 46**

### **PROFESSIONAL AND OCCUPATIONAL STANDARDS**

#### **Part XLVII. Nurses: Practical Nurses and Registered Nurses**

##### **Subpart 2. Registered Nurses**

#### **Chapter 35. Undergraduate and Graduate Nursing Education Degree Programs**

##### **§3501. Duties of the Board Directly Related to Undergraduate and Graduate Nursing Education Degree Programs**

A. The authority of the Board of Nursing relating to undergraduate and graduate nursing education degree programs is contained in R.S. 37:911 et seq., and as amended.

B. R.S. 37:918, duties and powers of the board, states that the board shall:

1. establish and publish minimum curriculum requirements and standards for individuals seeking to be licensed under this Part;

2. approve undergraduate and graduate nursing education degree programs whose graduates meet the licensing requirements of the board;

3. provide for hearings for undergraduate and graduate nurse education degree programs when approval is denied or withdrawn;

4. establish and publish standards of professional nursing practice and education in accordance with standards nationally accepted by the profession; and

5. adopt and revise rules and regulations necessary to enable the board to implement this Part in accordance with the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:184 (April 1977), amended LR 10:1023 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 24:1293 (July 1998), LR 42:

##### **§3503. Definitions**

*Accreditation*—an external quality review process used in U.S. education and performed by peers to assure that postsecondary institutions and other education providers meet and maintain minimum standards of quality and integrity regarding academics, administration, structure, function, performance and related services. The goal of accreditation is to ensure that education provided by institutions of higher education meets acceptable levels of quality.

1. *Regional Accreditation*—accreditation by an agency recognized by the Council on Higher Education Accreditation and/or the U.S. Department of Education to ensure the quality and integrity of public and private, mainly non-profit, degree-granting, two and four-year, institutions.

2. *National Nursing (Program) Accreditation*—accreditation by an agency recognized by the Council on Higher Education Accreditation and/or the U.S. Department of Education to ensure the quality and integrity of diploma, associate, baccalaureate, graduate, and residency programs in nursing.

*Acknowledge*—recognition of receipt of item by the board or board staff that does not require board approval.

*Advanced Practice Nursing Role*—the advanced practice role for which a graduate nursing education degree program prepares its graduates. The advanced practice role categories for licensure include certified nurse midwives (CNM), certified registered nurse anesthetists (CRNA), clinical nurse specialists (CNS), and nurse practitioners (NP).

*Approval*—legal recognition indicating the undergraduate and/or graduate nursing education degree program(s) has met the legal standards established by the board.

*Approved Program*—an undergraduate and/or graduate nursing education degree program(s) approved by the board.

\* \* \*

*Clinical Facility, Major*—a clinical facility utilized to provide more than half of the clinical experiences to more than half of the students enrolled in the undergraduate and/or graduate nursing education degree program(s).

*Cohort*—students in a group admitted simultaneously with the same expected graduation date.

*Competency*—an expected level of performance that results from an integration of knowledge, skills, abilities, and judgment. Knowledge encompasses the scope of practice, standards of practice, standards of professional performance, content from science and the humanities, practical experience and personal capabilities. Skills include psychomotor, communication, interpersonal, and diagnostic skills. Ability is the capacity to act effectively and requires listening, integrity, self-knowledge of strengths and weaknesses, positive self-regard, emotional intelligence, and openness to feedback. Judgment includes critical thinking, problem solving, ethical reasoning, and decision-making.

*Cooperating Agency*—Repealed.

*Course*—a distinct unit of instruction which has been organized for presentation with a specific time frame. This includes all related learning experiences deemed necessary by the faculty to meet the stated outcomes.

*Curriculum*—the planned studies and learning activities designed to lead to graduation and eligibility for registered nurse licensure and/or advanced practice registered nurse licensure.

*Distance Education*—instruction offered by any means where the student and faculty are in separate physical locations. Teaching methods may be synchronous or asynchronous and shall facilitate and evaluate learning in compliance with Board of Nursing approval status/regulations.

*Distance Education Technology*—the methods and technical support used to teach undergraduate and graduate students who may be physically distant from the faculty.

*Faculty*—

1. *Chief Nurse Administrator*—the registered nurse with a graduate degree in nursing with the authority and responsibility for the administration of the undergraduate and/or graduate nurse education degree program(s) and implementation of the curriculum. This title is used

regardless of the person's official title in the parent institution.

2. *Nurse Faculty*—a doctorate or master's in nursing prepared registered nurse and/or advanced practice registered nurse with academic preparation and experience. Nurse faculty are underwritten contractual agreement with a parent institution for administration, teaching, research, service, or clinical education of students in programs preparing candidates for registered nurse and/or advanced practice registered nurse licensure.

3. *Support Faculty*—an individual with academic preparations and experience in their respective professional discipline that provides services or teaches support courses.

4. *Graduate Assistant*—a registered nurse who serves in a support role at a university while completing graduate or post-graduate education. Graduate assistants are not faculty exceptions.

5. *Preceptor (Undergraduate)*—a baccalaureate prepared registered nurse with one year experience, who is employed in a clinical setting and serves as a role model, resource person, and clinical educator to enhance the learning experiences of a nursing student.

6. *Preceptor (Graduate)*—an advanced practice registered nurse, physician, or dentist, who provides guidance, serves as a role model, resource person, and clinical educator to enhance the learning experiences of an advanced practice nursing student.

7. *Joint Appointment*—a registered nurse employed by a clinical agency who holds at least the minimum qualifications of a nurse faculty member and who has predetermined responsibilities with both the educational institution and the clinical agency in the same time period. There shall be clearly defined schedules and financial agreements for both the educational program and the clinical agency.

*Goals*—general aims of the program that are consistent with the institutional and program missions.

*Graduation Rate*—percentage of a cohort of students who complete their program within 150 percent of the published time for the program.

*Major Change in Curriculum*—Repealed.

1. - 4. Repealed.

*Major/Substantive Change in Approved Nursing Education Degree Program*—a change in the current established approved nursing education degree program. Any one of the following shall be deemed to constitute a major/substantive change:

1. alteration, other than editorial, in program's mission/philosophy and outcomes (refer to §3511);

2. in legal status of the program (refer to §3513);

3. change in status with regulatory, governmental or institutional accreditation (refer to §3513);

4. reduction in resources impacting the sustainability of the undergraduate and/or graduate nurse education degree program(s) (refer to §3519);

5. reduction in faculty size exceeding 25 percent and in faculty exceptions exceeding 20 percent of full-time faculty employed in accordance with §3515;

6. addition or deletion of clinical role/population preparing advance practice registered nurses in an approved graduate nursing education degree program in accordance with §3507;

7. implementation of innovative strategies in undergraduate and/or graduate nursing education degree program(s) with a focus to include, but not limited to student enrollment, retention, and graduation rates; test previous models of nursing education and develop and test new models of nursing education;

8. addition or deletion of more than 10 percent of the semester credit hours from the undergraduate and/or graduate nurse education degree program(s) of studies;

9. in student enrollment, achievement completion rates, graduation rates, pass rates for the National Council licensure examination-registered nurse and certification; and/or

10. addition or deletion of a major clinical facility providing students' clinical experiences (refer to §3529).

*Mission Statement*—a statement of purpose defining the unique nature and scope of the parent institution or the nursing education degree program.

*Nursing Education Degree Program*—a program whose purpose is to prepare graduates eligible to apply to write the registered nurse licensing examination and/or certification and licensure as an advanced practice registered nurse.

1. ...

2. *Baccalaureate*—a program leading to a bachelor's degree in nursing conducted by an educational unit that is an integral part of a college or university.

3. ...

4. *Advanced Practice Registered Nurse (APRN)*—a graduate nursing education degree program that prepares an individual for certification and licensure in the roles of certified nurse midwives (CNM), certified registered nurse anesthetists (CRNA), clinical nurse specialists (CNS), and nurse practitioners (NP) and awards master's degree, practice doctorate degree or post-master's certificate.

5. *Post-Master's Certificate*—a post-master's or post-doctoral nursing education program of study that awards a certificate of completion in the roles of certified nurse midwives (CNM), certified registered nurse anesthetists (CRNA), clinical nurse specialists (CNS), and nurse practitioners (NP).

6. *Post-Graduate Residency*—a program that provides education and support necessary to develop the judgment, skill and knowledge for a successful transition from an undergraduate or graduate nursing education degree program into an entry level generalist or an advanced practice registered nurse professional role.

7. *Post-Graduate Fellowship*—an opportunity given to a professional registered or advanced practice registered nurse to build upon current practice through extension of knowledge, professional development, and leadership in clinical and research areas of interest.

8. *Practice Doctorate Degree*—a program conducted by an educational unit, department, division, college or school that is an integral part of a college or university, leading to a doctorate degree, which prepares experts in one of three practice arenas: health care, leadership, or teaching. In addition to preparing the experts in direct clinical practice, the program shall confer proficiency in the following areas:

a. leadership;

b. health care systems;

c. evidenced-based practice and research utilization;

d. advocacy/policy and clinical teaching with patients, students, families, communities and professional colleagues.

*Objectives*—Repealed.

*Outcomes*—quantitative or qualitative student, faculty or program measures of achievement.

*Parent Institution*—the organization or agency responsible for the administration and operation of the undergraduate and graduate nurse education degree programs.

*Pass Rate (Certification)*—the percentage of graduates from a cohort of an advanced practice registered nurse education degree program successfully completing the certification examination on first attempt in a calendar year.

*Pass Rate (RN Licensure)*—the percentage of students from a cohort taking the National Council licensure examination-registered nurse (NCLEX-RN) and passing the test on the first attempt in a calendar year.

\* \* \*

*Preceptorship Experience*—an individualized learning experience in which an undergraduate and/or graduate nursing student participates in clinical nursing practice while assigned to a preceptor.

*Program Head*—Repealed.

*Program Length*—the published amount of time to complete the undergraduate and graduate nurse education degree programs in a part-time or full-time enrollment status.

*Recommendation*—specific statement based upon program assessment as to the suggested course of action put forth by the Board of Nursing that should be implemented for compliance.

*Requirement*—a specific statement based upon program assessment as to the required course of action put forth by the Board of Nursing that shall be implemented for compliance.

*Shall*—denotes mandatory compliance in contrast to should or may which reflect possible variation.

\* \* \*

*Simulation*—activities in classroom or clinical settings that mimic the reality of a clinical environment and are designed to demonstrate procedures, decision-making and critical thinking through techniques such as role-playing and the use of devices such as interactive videos or mannequins. A simulation may be very detailed and closely simulate reality, or it can be a grouping of components that are combined to provide some semblance of reality.

\* \* \*

*Student Nurse*—an individual who is enrolled in an approved undergraduate or graduate nurse education degree program preparing for licensure as a registered nurse and/or preparing any licensed registered nurse for APRN licensure.

*Survey*—the collection of information by the board for its review in granting, continuing or denying approval of a nursing education degree program.

*Systematic Plan for Evaluation*—a written plan for systematic review and evaluation of an undergraduate and/or graduate nurse education degree program(s) used for continuous program improvement; involves the process of determining whether the various parts and the entire program are achieving the mission/philosophy, goals and outcomes.

*Under the Guidance of an Approved Preceptor*—guidance by a licensed APRN, physician, dentist, or person approved by the board within the same or related practice role, population or specialty.

*Year*—a period of time consisting of 365 days or 366 in leap year, in a 12-month period.

1. *Calendar Year*—beginning on January 1 and ending on December 31.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:913 and R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:184 (April 1977), amended LR 10:1023 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 17:1208 (December 1991), LR 24:1293 (July 1998), LR 26:2789 (December 2000), repromulgated LR 27:851 (June 2001), amended LR 42:

### **§3505. Approval of Undergraduate and Graduate Nursing Education Degree Programs**

A. All undergraduate and graduate nursing education degree programs and clinical experiences in the state of Louisiana preparing persons for licensure, as a registered nurse and/or certification as an advanced practice registered nurse shall be approved by the board. The authority of the board is contained in R.S. 37:911 et seq., as amended.

B. Current status of the school's approval by the Louisiana State Board of Nursing must be reflected on the school's website, printed material and verbal communications with students and community.

1. - 3. Repealed.

C. Notwithstanding any other provisions of this Chapter, the board shall collect, in advance, fees for education services as follows:

1. initial program approval and site visit—\$500;
2. program site visit (requested or board mandated)—\$500;
3. out-of-state clinical approval—\$250;
4. school annual report fee—\$100.

D. On-site visits shall be made at the discretion of the board, or upon the request of the undergraduate and/or graduate nursing education degree program(s).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:185 (April 1977), amended LR 10:1024 (December 1984), repromulgated by the Department of Health and Hospitals, Board of Nursing, LR 24:1293 (July 1998), amended LR 26:83 (January 2000), LR 28:1979 (September 2002), LR 42:

### **§3507. Purposes of Approval of Undergraduate and Graduate Nursing Education Degree Programs**

A. To promote the safe practice of nursing by establishing standards for undergraduate and graduate nurse education degree programs preparing individuals seeking licensure as registered nurses and/or advanced practice registered nurses in Louisiana.

B. To grant legal recognition to undergraduate and graduate nursing education degree—programs, which upon survey and evaluation are determined by the board to have met the standards.

C. To assure graduates of undergraduate and graduate nursing education degree programs meet the educational and

legal requirements for admission to licensing examinations and to facilitate their endorsement to other states and countries.

D. To assure continuous evaluation and improvement of undergraduate and graduate nursing education degree programs preparing candidates for registered nurse and/or advanced practice registered nurse licensure.

E. To assure the public and prospective students that undergraduate and graduate nursing education degree programs approved by the board meet the standards established by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:185 (April 1977), amended LR 10:1024 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, repromulgated LR 24:1293 (July 1998), amended LR 42:

### **§3509. Types of Approval of Undergraduate and Graduate Nursing Education Degree Programs**

A. Initial. Initial approval is granted to a new undergraduate and graduate nurse education degree program, which is determined by the board to be eligible to admit students to the nursing education degree program upon application by the parent institution and after survey and board evaluation (refer to §3533).

1. Initial approval shall not be continued for more than two consecutive one year periods following the undergraduate and graduate nurse education degree programs' eligibility to apply for full approval.

2. Repealed.

B. Full. Full approval is granted to an undergraduate and graduate nurse education degree program that meets all standards established by the board (refer to §3533, §3535).

C. Probation. An undergraduate or graduate nursing education degree program shall be placed on probation when the board has determined that it fails to meet one or more of the established standards.

1. Probation shall not be granted for more than three calendar years in any five calendar year period (refer to §3533).

2. An undergraduate and graduate nurse education degree program on probation for three calendar years in any five calendar year period shall not admit new students and shall initiate a phase-out of the program as outlined in §3531, §3533.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:185 (April 1977), amended LR 8:65 (February 1982), LR 10:1024 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 14:532 (August 1988), repromulgated LR 24:1293 (July 1998), amended LR 42:

### **§3511. Standards and Requirements for Undergraduate and Graduate Nursing Education Degree Programs: Mission/Philosophy and Goals**

A. The undergraduate and graduate nursing education degree program shall have a clear statement of mission/philosophy, consistent with the mission of the parent institution and congruent with current concepts in nursing education.

B. The undergraduate and graduate nursing education degree program shall use an identified set of professional standards congruent with the mission/philosophy and from which the goals are developed. The standards shall be consistent with the Legal Standards of Nursing Practice, LAC 46:XLVII.Chapter 39.

C. Expected competencies of the undergraduate and graduate nursing education degree program shall be clearly delineated.

D. Distance education is consistent with the mission and goals of undergraduate and graduate nursing education degree program and the parent institution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:185 (April 1977), amended LR 10:1024 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 19:1146 (September 1993), repromulgated LR 24:1293 (July 1998), amended LR 26:2789 (December 2000), repromulgated LR 27:851 (June 2001), amended LR 42:

### **§3513. Administration, Organization, Control of Undergraduate and Graduate Nursing Education Degree Programs**

A. There shall be a governing body which has legal authority to conduct undergraduate and/or graduate nursing education degree program(s), determine general policy and provide financial support.

B. The undergraduate and graduate nursing education degree programs shall be in a regionally accredited college or university which offers an undergraduate degree with a major in nursing or a graduate degree with a concentration in the advanced practice registered nurse role and population as defined in R.S. 37:913(1).

C. The parent institution shall hold active regional accreditation from an accrediting body approved by the U.S. Department of Education.

D. The undergraduate and graduate nursing education degree programs shall be accredited by a national nursing accrediting body approved by the U.S. Department of Education.

1. An undergraduate and graduate nursing education degree program shall be accredited by a national nursing accrediting body within one year post-full approval.

2. An undergraduate and graduate nurse education degree program not accredited by a national nursing accrediting body within one year post-full approval may petition the board for a one year extension.

3. Following the one year extension, an undergraduate and graduate nurse education degree program failing to achieve national accreditation shall immediately cease admission of students and begin termination of the program (refer to §3531).

4. An undergraduate and graduate nurse education degree program that loses national nursing accreditation shall immediately be placed on probation with the Louisiana State Board of Nursing.

E. The parent institution shall have an organizational chart which delineates the lines of responsibility and authority.

F. The undergraduate and graduate nursing education degree programs shall notify the board in writing, immediately and provide written communication within five business days when there has been a change in the control of the institution, chief nurse administrator of the program, or the accreditation status of the parent institution and/or the nursing education degree program (s).

1. - 3. Repealed.

G. The chief nurse administrator shall have the authority and responsibility to administer the undergraduate and/or graduate nursing education degree program(s) in respect to:

1. the instructional program;
2. budget planning and management; and
3. faculty, staff, and students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:186 (April 1977), amended LR 10:1025 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 19:1147 (September 1993), repromulgated LR 24:1293 (July 1998), amended LR 42:

### **§3515. Faculty and Faculty Organization of Undergraduate and Graduate Nursing Education Degree Programs**

A. Faculty Body. There shall be qualified faculty adequate in numbers to provide a safe, effective faculty/student/client ratio as defined in (§3533, §3543, §3545) and to implement the undergraduate and/or graduate nurse education degree program in nursing in relation to its stated mission, goals, and expected program outcomes.

B. Qualifications

1. The chief nurse administrator and each nurse faculty member shall hold an active license to practice as a registered nurse in Louisiana and shall be appointed in compliance with state and federal laws.

2. The chief nurse administrator of a baccalaureate program shall hold a minimum of a graduate degree in nursing, an earned doctorate, and shall have a minimum of three years' experience in the areas of nursing education and three years in clinical practice.

3. The chief nurse administrator of an associate degree or diploma program shall hold a minimum of a graduate degree in nursing and shall have a minimum of three years' experience in the areas of nursing education and three years in clinical practice.

4. The nurse faculty shall hold a graduate degree in nursing as follows.

a. The APRN faculty member shall hold a minimum of a graduate degree in nursing. APRN nursing faculty teaching advanced practice role and population content must be licensed in advanced practice in that advanced practice or related role and population.

b. Other credentialed providers may be utilized to provide content relevant to the advanced practice role and population in support courses.

c. The educational component of the APRN program shall be coordinated by a lead faculty member who is educated and nationally certified in the same role and population area and licensed as an APRN in the state of Louisiana.

5. ...

6. Nurse faculty shall be sufficient in number to accomplish the mission, goals and program outcomes.

7. Undergraduate nurse faculty shall maintain current knowledge and skills in areas of responsibility and provide documentation of same.

a. - b. Repealed.

8. APRN faculty must demonstrate competence in clinical practice and teaching, which includes continued national certification or continuing education requirements.

9. Exceptions to the academic qualifications for undergraduate nurse faculty shall be justified and approved under board established guidelines. The number of active faculty exceptions shall not exceed 20 percent of the number of full-time nurse faculty employed (not FTE) in the undergraduate nursing education degree program at any given time. Exceptions, if granted by the board shall be:

a. baccalaureate in nursing-prepared individuals who are not enrolled in a graduate program in nursing are limited to a maximum two calendar years after which they must be enrolled in a graduate nursing program; and

b. baccalaureate in nursing-prepared individuals who are enrolled in a graduate program in nursing at the master's and/or doctoral level shall be initially approved for two years in accordance with current board guidelines. Exceptions may be granted to each individual for a maximum of four years.

C. A faculty turn-over rate that exceeds 25 percent of the full-time nurse faculty employed (not FTE) at any given time by each undergraduate and/or graduate nursing education degree program(s) shall be reported to the board in writing within five business days and justified in the annual school report.

D. - E. ...

1. qualifications for the position; and

2. contract or letter of appointment to delineate terms of appointment, functions and responsibilities of the position.

3. Repealed.

F. ...

G. A nurse faculty organization shall be established consistent with the parent institution and shall have clearly delineated bylaws/governance documents.

H. ...

I. Nurse faculty shall select, teach, guide and evaluate all learning experiences in the classroom, labs, simulation, and clinical facilities.

J. Nurse faculty shall be within the clinical facility during the learning experiences of students unless the students are observing only or engaged in a community-based or a preceptorship experience (refer to §3543 and §3545).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:186 (April 1977), amended LR 10:1025 (December 1984), LR 12:678 (October 1986), amended by the Department of Health and Hospitals, Board of Nursing, LR 19:1147 (September 1993), repromulgated LR 24:1293 (July 1998), amended LR 26:2789 (December 2000), repromulgated LR 27:851 (June 2001), amended LR 33:1123 (June 2007), LR 36:1245 (June 2010), LR 42:

**§3517. Student Policies and Services: Undergraduate and Graduate Nursing Education Degree Programs**

A. Admission standards for entry into the undergraduate and graduate nursing education degree programs shall be established and published and shall reflect ongoing involvement by appropriate faculty.

B. ...

C. Placement and advisement in the undergraduate and graduate nursing education degree programs, by examinations, previous education, or both, shall be consistent with the parent institution.

D. Progression, transfer, termination, dismissal and graduation policies shall be established and published and shall reflect ongoing involvement by the appropriate faculty.

E. Information on the approval and accreditation status of the undergraduate and graduate nursing education degree programs, policies on tuition/fees and financial assistance, health care and counseling services shall be in writing and published on the website.

F. Accurate information about the undergraduate and graduate nursing education degree programs, including current approval and accreditation status, shall be presented in recruitment and related activities.

G. Students shall be provided opportunity for input into the undergraduate and graduate nursing education degree programs.

H. Students' records shall be safeguarded and their confidentiality shall be maintained according to state and federal regulations.

I. Students shall not be eligible to enroll in a clinical nursing course based on evidence of grounds for denial of licensure in accordance with R.S. 37:921, LAC 46:XLVII.3324, 3331 and 3403.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:187 (April 1977), amended LR 10:1025 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 19:1147 (September 1993), LR 23:962 (August 1997), LR 24:1293 (July 1998), LR 26:2790 (December 2000), repromulgated LR 27:852 (June 2001), amended LR 42:

**§3519. Facilities, Resources, Services for Undergraduate and Graduate Nursing Education Degree Programs**

A. - C. ...

D. Storage space for safeguarding student and faculty records, for equipment and instructional materials shall be provided to meet the needs of the undergraduate and graduate nursing education degree programs.

E. ...

F. Administrative and support services shall be provided to meet the needs of the undergraduate and graduate nursing education degree programs.

G. Clinical facilities shall be available in sufficient numbers and variety to meet the needs of the undergraduate and graduate nursing education degree programs (refer to §3529).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:187 (April

1977), amended LR 10:1025 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 19:1147 (September 1993), repromulgated LR 24:1293 (July 1998), amended LR 26:2790 (December 2000), repromulgated LR 27:852 (June 2001), amended LR 42:

**§3521. Curriculum: Undergraduate and Graduate Nursing Education Degree Programs**

A. The faculty shall periodically review, evaluate and revise as appropriate the mission/philosophy, and goals of the undergraduate and/or graduate nursing education degree program(s); the goals and program outcomes shall be consistent with the mission of the nursing education degree program and flow from the mission of the institution.

B. The mission/philosophy, goals and program outcomes shall be used by the faculty in planning, implementing and evaluating the total undergraduate and/or graduate nursing education degree program(s).

C. Graduate and Undergraduate Curriculum Content

1. Undergraduate Curriculum

a. Undergraduate curriculum shall include, but not be limited to, content from the behavioral, biological, mathematical, nursing and physical sciences.

b. Credit hours earned for clinical nursing courses shall be no less than three hours and no more than four hours of clinical contact hours per academic credit hour per semester.

c. Opportunities shall be provided for the application of the nursing process throughout the curriculum and in a variety of settings that includes care across the lifespan and population health.

d. Simulated laboratory experiences may also be utilized as a teaching strategy in classroom and clinical settings to meet outcomes and may be counted as either classroom or clinical hours for the purpose of calculating the hours in the curriculum.

e. Provision shall be made for learning experiences with clients having nursing care needs across the lifespan and stages of the health-illness continuum as appropriate to the role expectations of the graduate.

2. Graduate Curriculum

a. The curriculum shall include, but not be limited to separate courses in advanced pathophysiology, advanced pharmacology, advanced assessment and diagnostic reasoning, and management of health care status courses and shall evidence appropriate course sequencing.

b. The APRN role and population shall have supervised experiences in accordance with accreditation, certification, and education requirements and standards.

i. Specialty roles and populations that provide care to multiple age groups and care settings will require additional hours as distributed in a way that represents the populations served.

ii. Dual role and population APRN programs shall include and address content and clinical experiences for both roles and populations. Each role and population shall have documented clinical hours in accordance with certification agency requirements. The population foci of the dual roles and populations will determine the extent to which overlap may occur. Overlapping clinical hours between roles and populations must be documented and addressed as to the preparation for the two areas of practice.

c. Simulated laboratory experiences may also be utilized as a teaching strategy in classroom and clinical

settings to meet outcomes and may be counted as either classroom or clinical hours for the purpose of calculating the hours in the curriculum.

d. There shall be provisions for the recognition of prior learning and advanced placement in the curriculum for those individuals who hold a master's or practice doctorate (APRN) in nursing and are seeking to qualify for recognition in a different APRN role and population. Post-graduate nursing students must complete the requirements of a master's or practice doctorate (APRN) program through a formal graduate level certificate or master's or practice doctorate level APRN role and population in the desired functional role. Post-graduate students must master the same outcome criteria as master's or practice doctorate level students. Post-graduate APRN students shall have supervised experiences in the role and population in accordance with accreditation, certification, and education requirements and standards.

D. Undergraduate and graduate distant nursing education degree programs leading to licensure must meet the standards and requirements of Louisiana undergraduate and graduate education degree programs contained in LAC 46:XLVII.Chapter 35.

E. Undergraduate and graduate distance nursing education degree programs leading to licensure and utilizing Louisiana agencies must be approved by the board at a regularly scheduled meeting (refer to §3539).

F. Undergraduate and graduate student learning outcomes of the course and content shall reflect society's concern with the bioethical and legal parameters of health care and professional practice.

G. The undergraduate and graduate nursing courses shall provide for classroom and clinical laboratory instruction that shall be under the supervision of a faculty member of the nursing program.

1. The faculty to student ratio per clinical experience shall not exceed 1 to 10 (1:10) per clinical day for undergraduate clinical instruction unless the students are engaged in a board-approved preceptorship experience, which permits a maximum of 1 to 15 (1:15) faculty to undergraduate student ratio and 1 to 9 (1:9) faculty to APRN student ratio per clinical day.

2. Repealed.

H. ...

I. The undergraduate and graduate curriculum shall be arranged to provide opportunities for upward career mobility for students who have completed other nursing programs and have met appropriate requirements for licensure as follows.

1. Mechanisms for the recognition of prior learning and advanced placement in the undergraduate and graduate curriculum shall be in place.

2. Any formalized agreements between programs to facilitate the transfer of credit between undergraduate and graduate nursing education degree programs shall be identified and described.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:188 (April 1977), amended LR 10:1026 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 19:1148 (September 1993), LR 24:1293 (July 1998), LR 26:2790

(December 2000), repromulgated LR 27:852 (June 2001), amended LR 42:

**§3523. Major/Substantive Changes: Undergraduate and Graduate Nursing Education Degree Programs (Formerly §§3525 and 3537)**

A. Undergraduate and/or graduate nursing education degree program(s) shall notify the board of major/substantive changes (refer to §3503).

1. - 9. Repealed.

B. The undergraduate and/or graduate nursing education degree program(s) shall submit to the board two paper copies and one electronic copy of the following:

1. alteration, other than editorial, in undergraduate and/or graduate nursing education degree program(s) mission/philosophy and outcomes as follows:

a. letter of intent with timeline for proposed change;

b. rationale for proposed change;

c. evidence of approval by institution and/or accreditation agencies;

d. concise presentation of current mission/philosophy, and outcomes to proposed change;

e. planned method for evaluation for proposed change;

f. discussion of potential impact of proposed change on current students;

g. copy of reports submitted to the accreditation agencies; and

h. copy of action by accreditation agencies;

2. change in legal status of the undergraduate and/or graduate nursing education degree program(s) as follows:

a. letter of notification with timeline for change;

b. discussion of potential impact of change of legal status on program and students;

c. copy of reports submitted to the accreditation agencies; and

d. copy of action by accreditation agencies;

3. change in status with regulatory, governmental or institutional accreditation on the undergraduate and/or graduate nursing education degree program(s) as follows:

a. letter of notification with timeline for change in regulation, government or institutional accreditation;

b. discussion of potential impact of change in regulation, governmental or institution accreditation on program and current students;

c. copy of reports submitted to the accreditation agencies; and

d. copy, if action by accreditation agencies;

4. reduction in resources impacting the sustainability of the undergraduate and/or graduate program(s) as follows:

a. letter of notification and identification of resources reduced;

b. discussion of potential impact of reduction of resources on sustainability of program and current students;

c. action plan to address impact of reduction in resources impacting sustainability of the program;

d. copy of reports submitted to the accreditation agencies; and

e. copy of action by accreditation agencies;

5. reduction in faculty size exceeding 25 percent and in faculty exceptions exceeding 20 percent of full-time faculty employed as follows:

- a. letter of notification of faculty turnover greater than 25 percent or faculty exceptions greater than 20 percent of full time faculty;
  - b. of contributing factors for excessive turn over and requirement for exceptions to faculty qualification;
  - c. discussion of potential impact on program and current students;
  - d. plan for improvement;
  - e. copy of reports submitted to the accreditation agencies; and
  - f. copy of action by accreditation agencies;
6. addition or deletion of clinical role/population preparing APRNs in an approved graduate nursing education degree program as follows:
- a. addition of clinical role/population preparing APRNs in an approved graduate nursing education degree program as follows:
    - i. letter of request for approval of addition of APRN role/population;
    - ii. copy of the mission/philosophy, goals and outcomes;
    - iii. curriculum course sequencing, lists all courses required within the program of study;
    - iv. course syllabus for the course/clinical experience(s) to be offered, which specifies the related outcomes of the offering;
    - v. current electronic copy of school catalog;
    - vi. evidence of meetings or communications with chief nurse administrators of approved Louisiana graduate nurse education degree programs;
    - vii. timeline for implementation of a clinical role/population preparing APRN's;
    - viii. copy of reports submitted to the accreditation agencies; and
    - ix. copy of action by accreditation agencies;
  - b. deletion of clinical role/population preparing APRNs in an approved graduate nursing education degree program as follows:
    - i. a letter of intent for deletion of APRN role/population;
    - ii. rationale for deletion of APRN role/population;
    - iii. timeline for phase out of APRN role/population;
    - iv. method of notification of student;
    - v. discussion of potential impact on nursing education degree program and current students;
    - vi. copy of reports submitted to the accreditation agencies; and
    - vii. copy of action by accreditation agencies;
7. implementation of innovative strategies in undergraduate and/or graduate nursing education degree program(s) with a focus to include but not limited to student enrollment, retention, and graduation rates; test previous models of nursing education and develop and test new models of nursing education as follows:
- a. pilot study of innovative strategy as follows:
    - i. letter of request to pilot innovative strategy;
    - ii. rational for planned innovative strategy;
    - iii. outline of plan for innovative strategies to include timeframe, goals, expected outcomes and method of evaluation;

- iv. discussion of potential impact on program and current students;
  - v. copy of reports submitted to the accreditation agencies; and
  - vi. copy of action by accreditation agencies;
- b. post-completion of pilot as follows:
- i. evaluation report of pilot;
  - ii. request for full implementation to include timeline and impact on program and current students; or
  - iii. notification of intent to not initiate and rationale;
8. addition or deletion of more than 10 percent of the semester credit hours from the undergraduate and/or graduate nursing education degree program(s) of studies as follows:
- a. letter of intent for proposed change in credit hours;
  - b. rationale proposed change in credit hours;
  - c. mission/philosophy, program goals and student learning outcomes;
  - d. course outcomes and course outlines;
  - e. concise presentation of current and proposed curriculum;
  - f. time table for implementation of the change in curriculum;
  - g. explanation of the anticipated effect on currently enrolled students; to include a phase out plan and transition to new curriculum;
  - h. planned method for evaluating the results of the change;
  - i. method of notification of current students affected by the changes;
  - j. copy of reports submitted to the accreditation agencies; and
  - k. copy of action by accreditation agencies;
9. change in student enrollment, achievement, completion rates, graduation rates, pass rates for NCLEX-RN and certification as follows:
- a. letter of notification of changes in student enrollment, achievement, completion rates, graduation rates, pass rates for NCLEX-RN and certification;
  - b. evaluation of contributing factors;
  - c. action plan for improvement to include timeline;
  - d. copy of reports submitted to the accreditation agencies; and
  - e. copy of action by accreditation agencies; and
10. addition or deletion of a major clinical facility providing students' clinical experiences in undergraduate and/or graduate nursing education degree program(s) as follows:
- a. letter of notification to include impact on the program;
  - b. action plan for additional clinical placement;
  - c. copy of reports submitted to the accreditation agencies; and
  - d. copy of action by accreditation agencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:188 (April 1977), LR 10:1026 (December 1984), amended by the Department

of Health and Hospitals, Board of Nursing, LR 15:1081 (December 1989), LR 19:1148 (September 1993), LR 24:1293 (July 1998), LR 26:2790 (December 2000), repromulgated LR 27:852 (June 2001), amended LR 42:

**§3525. Continuous Quality Improvement:  
Undergraduate and Graduate Nursing  
Education Degree Programs  
(Formerly §3523)**

A. The undergraduate and/or graduate nursing education degree program(s) has a systematic plan for continuous program improvement and assessment and documents the use of (evidence) in decision making for program development, improvement, and revision which includes the following but not be limited to:

1. mission/philosophy, program outcomes of the curriculum;
2. teaching/learning experiences;
3. expected competencies of the graduate;
4. student(s) evaluations of courses;
5. faculty evaluations of students;
6. performance of graduates on the National Council licensure examinations (NCLEX-RN) and/or appropriate graduate certifications;
7. follow-up studies of the graduate surveys;
8. employer satisfaction of the graduates; and
9. evaluation of faculty performance.

B. The continuous program improvement plan shall document that the curriculum prepares graduates to meet the standards for practice and licensure as a registered nurse and advanced practice registered nurse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:188 (April 1977), amended LR 10:1026 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 24:1293 (July 1998), LR 42:

**§3527. Records and Reports: Undergraduate and  
Graduate Nursing Education Degree Programs**

A. The undergraduate and graduate nursing education degree programs and the parent institution shall develop and implement a systematic plan for maintaining student records in accordance with the retention policy of the institution.

1. Student Records
  - a. Each student's records include an application, terminal clinical evaluations from each course, and graduation forms, which are kept on file for a minimum of one year after graduation or three years after termination from the program if the student does not graduate.
  - b. The application and final transcript are kept on file permanently.
  - c. Graduate clinical transcripts shall be maintained permanently.

2. Faculty Records. Faculty records shall be on file in the nursing education degree program and/or in the parent institution and shall be in compliance with existing federal, state and institutional requirements.

3. Other records shall be kept on file and shall include:

- a. a current program bulletin;
- b. current budget and fiscal reports;
- c. current contracts with clinical affiliations;
- d. minutes from nurse faculty committee meetings;

- e. graduates' performance on NCLEX-RN;
- f. follow-up studies of the graduates; and
- g. program self-evaluation studies.

B. The nursing education degree program submits to the board the following reports:

1. annual report on the form provided by the board;
2. interim reports on the form provided by the board;
3. self-study report as provided to the accrediting body; and
4. other reports as deemed necessary by the board.

C. - D.4. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 10:1026 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 19:1148 (September 1993), repromulgated LR 24:1293 (July 1998), amended LR 42:

**§3529. Selection and Use of Clinical Facilities:  
Undergraduate and Graduate Nursing  
Education Degree Programs**

A. Hospitals used for clinical experiences shall be licensed by the state of Louisiana and certified by the appropriately designated agency for Medicare/Medicaid. In addition, hospitals and other health care agencies should be accredited or approved by a recognized accrediting or approving agency as appropriate.

B. Board approval shall be secured using the clinical facility survey form at a minimum four weeks prior to the time an agency is utilized for student clinical experience.

C. ...

D. Formal agreements between the undergraduate and/or graduate nursing education degree program(s) and the agency shall be in writing, shall state rights and responsibilities of each party to include liability insurance coverage, shall contain a termination clause and shall be reviewed according to institution policy.

E. ...

1. a written mission which gives direction to nursing care;

2. registered nurses to insure the safe care of patients and to serve as role models for students;

3. a sufficient number of patients/clients to provide learning experiences to meet the objectives of courses' student learning outcomes;

4. - 7. ...

8. available evidence of nursing quality improvement programs;

9. ...

10. a planned orientation program for faculty and students;

11. means of communication between faculty and agency administrative personnel and between faculty of all undergraduate and graduate nursing education degree programs that use the agency;

12. evidence that the agency's personnel understand their relationship between faculty and students and that the responsibility for coordination is specifically identified; and

13. designated areas on, or in close proximity to clinical learning sites for faculty/student interactions.

F. The chief nurse administrator shall notify the board in writing when a clinical agency being used for students' clinical practice loses accreditation or approval status; loss

of accreditation/approval shall mandate that students will not utilize the clinical agency for clinical experiences.

G. Advanced practice registered nursing students shall perform advanced practice nursing functions under the guidance of a qualified instructor or preceptor (as defined in LAC 46:XLVII.4505) as part of their program of study.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:189 (April 1977), amended LR 10:1026 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing LR 15:1080 (December 1989), LR 16:133 (February 1990), LR 19:1149 (September 1993), repromulgated LR 24:1293 (July 1998), amended LR 26:2791 (December 2000), repromulgated LR 27:852 (June 2001), amended LR 32:1240 (July 2006), LR 42:

### **§3531. Procedure for Terminating Undergraduate and Graduate Nursing Education Degree Programs**

#### **A. Voluntary Termination**

1. The board shall be notified when a decision has been made to close an undergraduate and/or graduate nursing education degree program(s).

2. The undergraduate and/or graduate nursing education degree program(s) shall provide a written plan of termination to include evidence that all of the board's standards shall be maintained until all students have transferred to another program or have graduated. A plan to phase out the existing nursing program shall include:

- a. a dateline for final admission of students to the existing program;
- b. a plan for the normal progression of students in the existing program;
- c. a contingency plan for students who cannot follow the normal progression sequence in the existing program (i.e., failures, illness, etc.); and
- d. the projected date of graduation for the final class of the existing program.

3. All students shall have assistance with transfers to the new nursing program or to another program of choice. A list of the names of these students shall be submitted to the board.

4. The board shall be notified of the arrangements for safe storage of the permanent records of the undergraduate and/or graduate nursing education degree program(s) and its students' records.

a. - d. Repealed.

5. The following records shall be retained:

- a. student's application to the program;
- b. student's financial academic transcripts;
- c. graduate clinical transcript;
- d. each curriculum plan offered; and
- e. a list of each graduating class and date of graduation.

#### **B. Involuntary Termination**

1. Involuntary termination occurs when the board has determined that the undergraduate and/or graduate nursing education degree program(s) has not met one or more standards and the program shall be required to initiate termination.

2. The undergraduate and/or graduate nursing education degree program(s) shall provide a written plan of termination to include evidence that all of the board's standards shall be maintained until all students have

transferred to another program or have graduated. A plan to phase out the existing nursing program shall include:

- a. documentation of final admission date of students in the existing program;
- b. a plan for the progression of students during phase out of the existing program;
- c. a contingency plan for students who cannot follow the normal progression sequence in the existing program (i.e., failures, illness, etc.); and
- d. the projected date of graduation for the final class of the existing program.

3. All students shall have assistance with transfers to the new nursing program or to another program of choice. A list of the names of these students shall be submitted to the board.

4. The board shall be notified of the arrangements for safe storage of the permanent records of the undergraduate and/or graduate nursing education degree program(s) and its students' records.

5. The following records shall be retained:

- a. student's application to the program;
- b. student's final academic transcripts;
- c. graduate clinical transcript;
- d. each curriculum plan offered; and
- e. a list of each graduating class and date of graduation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:190 (April 1977), amended LR 10:1027 (December 1984), repromulgated by the Department of Health and Hospitals, Board of Nursing, LR 24:1293 (July 1998), amended LR 42:

### **§3533. Procedure for Establishing a New Undergraduate or Graduate Education Degree Program**

#### **A. Step I: Letter of Intent and Feasibility Study**

1. A written notice of intent to establish a new undergraduate and/or graduate nursing education degree program(s) stating the purpose and type of program must be submitted to the board in two paper copies and one electronic copy as follows:

- a. notice of intent shall include:
  - i. documented evidence of approval from the parent institution and the appropriate governing board to award the appropriate degree and a copy of the current bulletin or catalog;
  - ii. documentation of approval from Board of Regents for state and proprietary schools; and
  - iii. documentation of regional accreditation;
- b. report of a feasibility study documenting a need for the program. The study shall include evidence of:
  - i. nurse manpower studies which validate need for the program as it relates to total state resources and nursing education in the state;
  - ii. documentation of communication with Louisiana nursing education degree programs on a form provided by the board regarding the potential impact on other undergraduate nursing education degree programs within a geographical area of 100 miles or the impact on other graduate nursing programs within the state;
  - iii. availability of qualified nurse faculty and support faculty;

- iv. adequate academic and clinical facilities to meet the needs of the program;
- v. adequate financial resources for planning, implementing and continuing the program;
- vi. commitment of administration to support the program;
- vii. community support;
- viii. a proposed time schedule for initiating and expanding the program; and
- ix. an available pool of potential students.

c. - c.viii. Repealed.

2. ...

- a. supplementary information is needed; or
- b. the notice of intent and feasibility study to establish a new program is accepted and the parent institution may continue with the plan to establish the program; however, public announcements and preadmission of students shall not occur prior to the receipt of initial board approval after step II; or
- c. the letter of intent is not accepted, the reasons thereof, and all planning must cease.
- d. Repealed.

**B. Step II: Initial Approval of the Undergraduate and/or Graduate Nursing Education Degree Program(s)**

1. If step I is accepted and if the parent institution is allowed by the board to proceed with the development of the program, a qualified chief nurse administrator shall be employed a minimum of 12 months prior to the admission of the first class of students.

2. The chief nurse administrator shall have the authority and responsibility to develop:

- a. - b. ...
- c. bylaws;
- d. - f. ...
- g. a plan for the use of clinical and cooperating agencies and clinical preceptors;
- h. a sample contractual/affiliation agreement with clinical and cooperating agencies and clinical preceptors; and
- i. ...

3. The chief nurse administrator shall have previous teaching experience in a registered nursing education degree program.

a. - c. Repealed.

4. The chief nurse administrator shall appoint a sufficient number of full-time nurse faculty with a minimum of two years clinical nursing practice at least six months prior to admission of students.

5. Nursing faculty with previous teaching experience in a nursing education degree program of the same academic level as the proposed program and experience in curriculum design are preferred.

a. - h. Repealed.

6. The nurse faculty shall develop the proposed program and plan for its implementation. They shall write:

- a. mission/philosophy, goals; program and student learning outcomes;
- b. a curriculum plan;
- c. course outcomes;
- d. course outlines;

- e. evaluation plan and methods;
- f. admission, progression and graduation criteria;
- g. policies for protecting students' rights, their safety and welfare, and for academic guidance and advising; and

h. plan for utilization of clinical facilities, cooperating agencies and clinical preceptors.

7. Upon completion of this phase of the development of the proposed undergraduate and/or graduate nursing education degree program(s), the chief nurse administrator shall request that the board staff conduct initial site visit.

8. Report on site visit will be presented to the board by board staff representative at a regularly scheduled board meeting for initial approval. Based on its review, the board shall give written notification to the parent institution that:

- a. supplementary information is needed; or
- b. initial approval is granted; or
- c. initial approval is denied.

9. After initial approval is granted, public announcements may be issued and students may be admitted to the undergraduate and/or graduate nursing education degree program(s).

10. Initial approval shall not be continued for more than two consecutive one-year periods following the undergraduate and/or graduate nursing education degree program(s)' eligibility to apply for full approval.

11. An undergraduate and/or graduate nursing education degree program(s) remaining ineligible for full approval after two consecutive one-year periods following the nursing program's eligibility to apply for full approval, shall not admit new students and shall initiate a phase-out of the program in accordance with §3531.

**C. Step III: Full Approval of Undergraduate and/or Graduate Nursing Education Degree Program(s)**

1. Full approval shall be requested after members of the first class of graduates write and receive the results of the first licensing or certification examination. Additionally, an on-site visit is required and upon presentation of evidence that standards of the board have been met, full approval may be granted to the program. Undergraduate and/or graduate nursing education degree program(s) shall achieve national nursing accreditation within one year of being granted full approval.

a. A program not accredited by a national nursing accrediting body within one year post-full approval may petition the board for a one-year extension.

b. Following the one-year extension, a program failing to achieve national accreditation shall immediately cease admission of students and begin termination.

c. A program that loses national nursing accreditation shall immediately be placed on probation.

C.2. - E.3.b.iv. Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:918.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:190 (April 1977), amended LR 10:1027 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 14:532 (August 1988), repromulgated LR 24:1293 (July 1998), amended LR 26:2791 (December 2000), repromulgated LR 27:853 (June 2001), amended LR 38:2549 (October 2012), LR 42:

**§3534. Procedure for Restructuring an Existing Program into/within Higher Education**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 16:690 (August 1990), amended LR 24:1293 (July 1998), LR 26:2791 (December 2000), repromulgated LR 27:853 (June 2001), repealed LR 42:

**§3535. Procedure of Continuing Full Approval: Undergraduate and Graduate Nursing Education Degree Programs**

A. Undergraduate and/or graduate nursing education degree program(s) must present evidence of compliance with all standards and requirements contained in LAC 46:XLVII.Chapter 35.

B. The undergraduate nursing education degree program shall have a pass rate of 80 percent or greater achieved by the candidates taking the licensure examination for the first time in any one January to December calendar year, or the program shall be placed on probation.

1. - 3. Repealed.

C. Undergraduate and/or graduate nursing education degree program(s) holding full approval for a minimum of five consecutive calendar years and full national accreditation recognized by the board shall inform board of impending accreditation site visit six months prior to visit.

1. The board shall agree to accept national accreditation reports and not perform site visits unless there is a complaint, a sanction, or evidence that the institution is in violation of standards.

2. The board shall perform site visits if there is a complaint, a sanction, or evidence that the institution is in violation of standards. The undergraduate and/or graduate nursing education degree program(s) may request to have on-site visits coordinated with national accreditation visits. Following receipt of the official request by the program, the date of initiation of this process for the program shall be determined by the board.

a. An on-site visit shall be conducted by an authorized staff representative of the board during or within six months following the national accreditation visit.

b. To meet the self-study requirements, the national self-study report and the addendum required by the board shall be submitted to the board at least 21 days prior to the scheduled on-site visit regardless of board participation.

c. A copy of any national accreditation correspondence concerning accreditation and interim reports shall be forwarded to the board within two weeks of receipt.

D. A written report of the on-site visit is sent to the administrative officer of the parent institution, to the chief nurse administrator, and to all board members.

E. The chief nurse administrator may submit a response to the board staff regarding the report of the on-site visit and also be present when the board reviews and acts upon the report.

F. Action relevant to the approval status of the undergraduate and/or graduate nursing education degree program(s) is taken by the board after an evaluation of:

1. the on-site survey self-study documents; or
2. - 3. ...

G. The board shall provide for an evaluation and hearing to determine if a program has met or has failed to meet the standards and requirements by executing the following actions:

1. giving written notice that the standards have been met and continues full approval or restores approval; or

2. giving written notice of specified deficiency(ies) and placing the program on probation.

H. An undergraduate and/or graduate nursing education degree program(s) has the right at any time to present evidence to the board that the deficiency(ies) has/have been corrected and may petition the board to restore full approval to the program.

I. No later than 12 months from the date the undergraduate and/or graduate nursing education degree program(s) was placed on probation, the program shall submit a written report to the board with evidence that the standard(s) has/have been met, and may petition the board to restore full approval.

J. If a deficiency(ies) cannot be corrected in 12 months, the undergraduate and/or graduate nursing education degree program(s) shall file a plan for meeting the standard(s) and may petition the board to continue the probationary status.

K. Probationary status is not granted to an undergraduate and/or graduate nursing education degree program(s) for more than three calendar year periods in any five calendar year period.

L. At any time during the probationary period, the board may determine that the undergraduate and/or graduate nursing education degree program(s) must cease admission of students and begin involuntary termination.

M. Failure to meet standards after graduation of all enrolled students will result in involuntary termination of the undergraduate and/or graduate nursing education degree program(s) (refer to §3531).

N. The right to appeal the board's decision is afforded any undergraduate and/or graduate nursing education degree program(s) in accordance with R.S. 37:918 and the Administrative Procedure Act, R.S. 49:965, appeals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 10:1027 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 19:1149 (September 1993), LR 24:1293 (July 1998), LR 42:

**§3536. Approval for Nursing Education Programs whose Administrative Control is Located in Another State Offering Programs, Courses, and/or Clinical Experience in Louisiana**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 19:1145 (September 1993), amended LR 23:962 (August 1997), LR 24:1293 (July 1998), LR 26:2791 (December 2000), repromulgated LR 27:853 (June 2001), repealed LR 42:

**§3537. Procedure for Restructuring an Existing Undergraduate or Graduate Nursing Education Degree Program into/within Higher Education (Formerly §3534)**

**A. Phasing-out an Existing Nursing Program (refer to §3531)**

1. Notification of intent for restructuring an existing undergraduate and/or graduate nursing education degree program(s). A letter of intent shall be submitted to the board to phase out an existing undergraduate and/or graduate nursing education degree program and phase in a new nursing program not less than one year prior to the planned implementation date. Two copies of the letter are to be submitted.

2. Termination of an Existing Undergraduate and/or Graduate Nursing Education Degree Program(s)

a. A plan shall be submitted to the board to phase out the existing undergraduate and/or graduate nursing education degree program(s) to include:

i. a dateline for final admission of students to the existing program;

ii. a plan for the normal progression of students in the existing program;

iii. a contingency plan for students who cannot follow the normal progression sequence in the existing program (i.e., failures, illness, etc.); and

iv. the projected date of graduation for the final class of the existing program.

b. All board's standards shall be maintained by the existing undergraduate and/or graduate nursing education degree program(s) until all students have transferred to another program or graduated.

c. All students shall have assistance with transfers to the new nursing programs or to another program of choice. A list of the names of these students shall be submitted to the board.

d. The undergraduate and/or graduate nursing education degree program(s) and the parent institution shall develop and implement a systematic plan for maintaining student records in accordance with retention policy of the institution.

e. The following records of the existing undergraduate and/or graduate nursing education degree program(s) shall be retained:

i. students' applications to the program (when applicable);

ii. students' final academic transcripts;

iii. graduate clinical transcripts;

iv. all curricula plans offered, including catalog course descriptions; and

v. rosters of all graduation classes and dates of graduations.

f. The board shall be notified of the arrangements for the administrative control and safe storage of the permanent program and student records.

**B. Phasing-in a new nursing program (refer to §3533).**

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:918.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 16:690 (August 1990), amended LR 24:1293 (July 1998), LR 26:2791 (December 2000), repromulgated LR 27:853 (June 2001), amended LR 42:

**§3539. Procedure for Approval for Undergraduate and Graduate Nursing Education Degree Programs whose Administrative Control is Located in Another State Offering Programs, Courses, and/or Clinical Experience in Louisiana (Formerly §3536)**

**A. Program of Studies.** To receive approval by the board for a total undergraduate and/or graduate nursing education degree program(s) of study by undergraduate and graduate nursing education degree programs with physical presence in Louisiana, but whose administrative control is located in another state, the following criteria shall be met.

1. New programs must follow the procedure to establish new programs as specified in §3533.

2. Programs must present evidence of compliance with all standards and requirements contained in LAC 46:XLVII.Chapter 35. Upon full approval, the program will be reviewed under the requirements for continued approval, as specified in §3535.

**B. Course/Clinical Offerings.** Out-of-state undergraduate and/or graduate nursing education degree program(s) offering courses/clinical experiences in Louisiana are expected to maintain the standards required of Louisiana-based programs. The board reserves the right to withdraw the approval of such offerings if adherence to these standards is not maintained. To receive approval by the Board of Nursing for course/clinical offerings in Louisiana by nursing programs whose administrative control is located in another state, the following criteria shall be met.

1. **Approval/Accreditation Requirements.** The following evidence of approval/accreditation of the undergraduate and/or graduate nursing education degree program(s) shall be submitted to the board as stipulated.

a. The nursing program sponsoring the offering shall hold current approval by the Board of Nursing and/or other appropriate approval bodies in the state in which the parent institution is located.

b. Regional accreditation shall be held by the parent institution.

c. National nursing accreditation recognized by the board is required.

d. The nursing program sponsoring the course/clinical offering must provide the Board of Nursing with the following materials for review at least six months prior to the scheduled initiation of the offering:

i. a letter of request for approval to provide the course/clinical offering, which indicates the time-frame during which the offering will be conducted and the clinical agency(ies)/the clinical unit(s) will be utilized;

ii. a copy of the mission/philosophy, goals and outcomes;

iii. a curriculum course sequencing, which lists all courses by semester/quarter required within the program of study;

iv. a course syllabus for the course/clinical experience(s) to be offered, which specifies the related outcomes of the offering; and

v. a current electronic copy of school catalog.

e. Request for preceptorship learning experiences shall include evidence of compliance with §3543.

2. Coordination with other undergraduate and/or graduate nursing education degree program(s) as follows:

a. evidence of meetings or communications with representatives of the clinical agency and the out-of-state nursing program;

b. evidence of meetings or communications with program heads of approved Louisiana undergraduate and/or graduate nursing education degree program(s);

c. meetings or communications of respective representatives from undergraduate and/or graduate nursing education degree program(s) and clinical agency shall occur minimally on an annual basis, or on a semester basis as deemed necessary by any involved party; and

d. a "clinical facility survey" form shall be submitted by the undergraduate and/or graduate nursing education degree program(s).

### 3. Students

a. All students shall be in good academic standing in the undergraduate and/or graduate nursing education degree program(s).

b. Students shall not be eligible to enroll in a clinical nursing course based on evidence of grounds for denial of licensure in accordance with R.S. 37:921 and LAC 46:XLVII.3331 and 3403.

c. Undergraduate performance on the licensure examination (NCLEX-RN) shall be maintained at an 80 percent or higher pass rate for each January through December calendar year. Upon initial request for approval, NCLEX-RN performance by undergraduates for the past two calendar years shall be submitted to the board.

d. Graduate performance on certification examination for the past two calendar years shall be submitted to the board for each role and population requesting approval.

### 4. Faculty

a. A "faculty qualification" form provided by the board shall be submitted for each faculty member providing instruction within the state of Louisiana.

b. Each faculty member shall hold a current license to practice as a registered nurse and/or advanced practice registered nurse in Louisiana.

c. Each faculty member shall hold a graduate degree in nursing and a minimum of two years of nursing practice in a clinical setting.

d. Clinical faculty shall be present for student supervision while students are assigned to clinical areas unless the students are engaged in a board-approved preceptorship experience.

e. Clinical faculty for undergraduate and graduate precepted clinical experiences are expected to confer with the preceptor and student at least weekly and visit the site at least once in a semester/quarter.

f. The faculty to student ratio per clinical experience shall not exceed 1 to 10 (1:10) per clinical day for undergraduate clinical instruction unless the students are engaged in a board-approved preceptorship experience which permits a maximum of 1 to 15 (1:15) faculty to undergraduate student ratio per clinical day and 1 to 9 (1:9) faculty to APRN student ratio per clinical day.

### 5. Approval

a. Course/clinical offerings by out-of-state nursing programs may be approved for a period of three years, at which time program representatives may petition for renewal of approval for each additional three-year period.

b. Request for out-of-state clinical re-approval form, which provides updated and current data relevant to the undergraduate and/or graduate nursing education degree program(s) program, shall be submitted as a component of the petition for renewal as specified in §3539.B.1-5.

c. Failure to comply with the requirements established by the board shall result in the immediate withdrawal of the board's approval of course/clinical offerings.

### 6. Post-Approval

a. A copy of the executed contractual agreement between the academic institution and the clinical facility/agency shall be maintained by the institution.

b. Undergraduate student approval application shall be submitted 60 days prior to the date of enrollment in the clinical nursing course.

c. Graduate student clinical experience spreadsheet provided by the board shall be submitted within two weeks of initiation of experience.

d. Faculty qualification forms must be submitted to the board within two weeks of hire.

e. The undergraduate and/or graduate nursing education degree program(s) shall keep the board informed of any changes to approval and accreditation status.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 19:1145 (September 1993), amended LR 23:962 (August 1997), LR 24:1293 (July 1998), LR 26:2791 (December 2000), repromulgated LR 27:853 (June 2001), amended LR 42:

### **§3541. Procedure for Submitting Required Reports and Compliance Forms by Undergraduate and Graduate Nursing Education Degree Programs (Formerly §3539)**

A. Annual Report. The undergraduate and/or graduate nursing education degree program(s) shall submit two paper copies and one electronic copy of an annual report, on a form provided by the board, on the designated date, accompanied by one electronic copy of the current school catalog.

#### B. Compliance Forms

1. Undergraduate and/or graduate nursing education degree program(s) shall submit a faculty qualification form within two weeks of the time each new faculty member is employed.

2. Undergraduate and/or graduate nursing education degree program(s) requesting approval of new clinical facilities needed for students' clinical practice areas shall submit a clinical facility survey form and shall be secured in accord with §3529 prior to the time students are assigned to the new facility.

3. Any undergraduate and/or graduate nursing education degree program(s) required to submit a regional or a national nursing accreditation interim report shall submit a copy of the report to the board.

### C. Self-Study

1. A self-study shall be submitted to the board 21 days prior to the scheduled on-site visit of the undergraduate and/or graduate nursing education degree program(s).

2. The national accreditation self-study report and the addendum required by the board may be submitted to meet the self-study requirements of the board (refer to §3535).

### D. Students

1. The undergraduate student approval application shall be submitted 60 days prior to the date of enrollment in the first clinical nursing course (refer to §3324).

2. The graduate student clinical experience spreadsheet provided by the board shall be submitted within two weeks of initiation of experience.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 10:1028 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 19:1150 (September 1993), LR 21:803 (August 1995), LR 24:1293 (July 1998), LR 26:2791 (December 2000), repromulgated LR 27:853 (June 2001), amended LR 42:

### §3542. Community-Based Learning Experiences

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 21:803 (August 1995), amended LR 24:1293 (July 1998), LR 26:2791 (December 2000), repromulgated LR 27:853 (June 2001), repealed LR 42:

### §3543. Preceptorship Learning Experiences (Formerly §3541)

A. Nurse faculty shall retain the responsibility for selecting and guiding all undergraduate and/or graduate student learning experiences and the evaluation of student performances with input from preceptors.

B. Preceptors shall be selected according to written criteria jointly developed by faculty and nursing administration in the clinical facility, and in accordance with guidelines established by the board.

C. A faculty member shall be available to preceptors while students are involved in a preceptorship experience.

D. The faculty member shall confer with each preceptor and student at least weekly during the precepted experience.

#### E. Preceptor Learning Experiences

##### 1. Undergraduate

a. Preceptor experiences for undergraduate students shall only occur during the last two academic semesters of a baccalaureate degree program and during one of the last two semesters of a diploma or associate degree program.

b. The total preceptorship experience for undergraduate students shall be limited to a maximum of 25 percent of the total clinical weeks in the program of study.

##### 2. Graduate

a. The APRN role and population shall have supervised experiences in accordance with accreditation, certification, and education requirements and standards.

b. Faculty are responsible for all advanced practice registered nurse students in the clinical area whether supervision is direct or indirect.

i. Direct supervision occurs when advanced practice registered nurse program faculty function as on-site clinical preceptors.

ii. Indirect supervision has three components:  
(a) to supplement the clinical preceptor's teaching;  
(b) to act as a liaison to a community agency; and  
(c) to evaluate the student's progress.

### F. Preceptor Ratios

#### 1. Undergraduate

a. The undergraduate nursing education degree program shall maintain a ratio of not more than 1 faculty to 15 undergraduate students (1:15) for the preceptorship experience.

b. There shall be one preceptor for each student.

#### 2. Graduate

a. The graduate nursing education degree program shall maintain a ratio of not more than 1 faculty to 9 APRN students (1:9) for the preceptorship experience.

b. A preceptor shall not supervise more than two graduate APRN students during any given clinical experience.

### G. Preceptor Qualifications

1. All preceptors must have an active unencumbered RN and/or APRN Louisiana license.

#### 2. Undergraduate

a. The preceptor shall have at least a minimum of one year as a RN in the clinical area in which the preceptorship experience occurs.

b. Preceptors shall hold a minimum of a baccalaureate degree in nursing.

c. An individual RN, who does not possess a BSN, may be utilized as a preceptor provided that the RN has had no less than three years' experience as an RN with a minimum of one year in the clinical area in which the experience occurs and has the requisite skills to guide the student to meet the desired course outcomes for the specific clinical experiences.

#### 3. Graduate

a. The majority of clinical experiences shall be under a preceptor with an active unencumbered APRN license and certification in the population focused area of practice of primary and/or acute care as appropriate.

b. A mix of clinicians may be used to provide direct clinical teaching to students appropriate to the range of clinical experiences required to meet the program outcomes and enhance their inter-professional experiences.

c. The majority of the clinical experiences must occur with preceptors from the same population focused area in primary and/or acute care as appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 10:1028 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 17:1207 (December 1991), LR 24:1293 (July 1998), LR 26:2791 (December 2000), repromulgated LR 27:853 (June 2001), amended LR 42:

### §3545. Undergraduate Community-Based Learning Experiences (Formerly §3542)

A. "Community-based experiences" involve the community as a whole, exclusive of acute care facilities, with nursing care of individuals, families, and groups being

provided within the context of promoting and preserving the health of the community.

B. Non-health-care related agencies utilized for community-based learning experiences for students must have an identifiable sponsoring agency with a clearly defined purpose(s).

C. Nurse faculty shall retain the responsibility for the selection and guidance of student community-based learning experiences and for the evaluation of student performance.

D. Community-Based Agency Experience Supervision

1. Direct Faculty Supervision

a. The undergraduate nursing education degree program shall maintain a ratio of not more than 1 faculty member to 10 students (1:10).

b. Students may participate in invasive or complex nursing activities in a community setting with the direct supervision of a faculty member.

2. Preceptorship

a. The undergraduate nursing education degree program shall maintain a ratio of not more than 1 faculty member to 15 students (1:15) for the preceptorship experience.

b. A preceptor shall not be allowed to supervise more than three students at one time in any given community clinical site.

c. Students may participate in invasive or complex nursing activities in a community setting with the direct supervision of an approved RN preceptor.

d. A faculty member shall be available for preceptors while students are involved in a preceptorship experience. The faculty member shall confer with each preceptor and student(s) at least weekly during said learning experience.

e. Preceptors shall be selected according to written criteria jointly developed by faculty and nursing administration in the clinical facility, and in accordance with guidelines established by the board.

3. Community Agency Supervision

a. There shall be qualified faculty available to provide a safe, effective faculty/student/client ratio not to exceed 1 faculty member to 15 students (1:15).

b. Students, under the overall direction of a faculty member, may participate in noninvasive or noncomplex nursing activities in structured community nursing settings where RN's are present (e.g., out-patient clinics). Students shall have the skills appropriate to the experiences planned.

c. Students, under the verbal direction of a faculty member, may participate in basic care activities, such as, assessment of vital signs and collection of data. They also may assist with activities of daily living in community settings where a registered nurse is not present. Students shall have the skills appropriate to the experiences planned.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 21:803 (August 1995), amended LR 24:1293 (July 1998), LR 26:2791 (December 2000), repromulgated LR 27:853 (June 2001), amended LR 42:

**§3547. Undergraduate and Graduate Nursing Education Degree Programs not Leading to Additional Licensure or APRN Certification**

A. Undergraduate and/or graduate nursing education degree programs not leading to licensure and/or an additional APRN certification do not require approval by the board.

B. Non-licensure undergraduate and/or graduate nursing education degree program(s) offering courses/clinical experiences in Louisiana are expected to maintain the following standards required of approved programs:

1. approval of program from parent institution;

2. national nursing accreditation;

3. approval from Louisiana Board of Regents;

4. faculty and preceptors supervising post-licensure students in Louisiana clinical agencies must have active unencumbered Louisiana licensure;

5. post-licensure students in Louisiana clinical agencies must have active, unencumbered Louisiana registered nurse licensure; and

6. adherence to Louisiana nursing education articulation model is required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 42:

**Chapter 45. Advanced Practice Registered Nurses**

**§4509. Educational Requirements**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals. Board of Nursing, LR 27:726 (May 2001), amended LR 31:2017 (August 2005), repealed LR 42:

**Family Impact Statement**

The proposed additions and/or changes to the rules of the board, Louisiana State Board of Nursing should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, there should be no known or foreseeable effect on:

1. the stability of the family;

2. the authority and rights of parents regarding the education and supervision of their children;

3. the functioning of the family;

4. a family's earnings and budget;

5. the behavior and personal responsibility of the children; or

6. the family's ability or that of the local government to perform the function as contained in the proposed Rule.

**Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described on R.S. 49:973.

### Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

### Public Comments

Interested persons may submit written comments on the proposed Rule to Karen C. Lyon, 17373 Perkins Road, Baton Rouge, LA 70810, or by facsimile to (225) 755-7585. All comments must be submitted by 5 p.m. on or before February 10, 2016.

Karen C. Lyon  
Executive Director

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Undergraduate and Graduate Nursing Education Degree Programs

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Other than publication costs associated with the proposed rules changes, which are estimated to be \$7,029 in FY16, it is not anticipated that state or local governmental units will incur any other costs or savings as a result of promulgation of the proposed rule. The proposed changes will combine Chapter 35, which focuses on undergraduate nursing programs, and Chapter 45, section 4509, which focuses on graduate nursing programs. In addition, Chapter 35 has been revised to align with current national nursing trends and practices. Chapter 35 will provide guidelines regarding the following for undergraduate and graduate nursing education programs: (1) program approval, (2) program closure, and (3) day-to-day operating requirements. These proposed changes will provide clarity to expectations of the Louisiana State Board of Nursing for in-state and out-of-state undergraduate and graduate nursing education programs. The proposed rule additionally increases the annual fee for processing in-state nursing school annual reports from \$50 to \$100.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The Louisiana Board of Nursing could realize a slight increase in SGR revenues associated with a fee increase of \$50 to \$100 for in-state nursing schools related to processing in-state nursing school annual reports.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change could contribute to a minimal cost increase for nursing schools. Approximately twenty-five in-state nursing schools will be affected by a \$50 fee increase. The fee will increase from \$50 to \$100 to cover the cost of processing each nursing school's annual report.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change should have no anticipated effect on competition or employment.

Karen C. Lyon  
Executive Director  
1601#006

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Health and Hospitals Bureau of Health Services Financing

Early and Periodic Screening, Diagnosis and Treatment  
Durable Medical Equipment—Cochlear Devices  
(LAC 50:XV.8717 and 8719)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to amend LAC 50:XV.8717 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing provides coverage and reimbursement under the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) program for cochlear devices for recipients, 2 years of age through 20 years of age, with profound bilateral sensorineural hearing loss.

The department now proposes to amend the provisions governing cochlear devices covered under the EPSDT program in order to reduce the minimum age requirements for implantation of these devices in order to align these provisions with the national standards.

#### Title 50

#### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part XV. Services for Special Populations

#### Subpart 5. Early and Periodic Screening, Diagnosis, and Treatment

#### Chapter 87. Durable Medical Equipment—Hearing Devices

#### Subchapter B. Cochlear Device

#### §8717. Eligibility and Prior Authorization

A. Coverage is available for cochlear implantation for recipients 1 year of age through 20 years of age with profound bilateral sensorineural hearing loss.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:1300 (July 1998), repromulgated LR 29:181 (February 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

#### §8719. Recipient Criteria

A. Recipient Criteria (General). The following criteria apply to all candidates. Recipient must:

1. ...
2. be a profoundly deaf child, age 1 year or older or be a post-linguistically deafened adult through the age of 20 years;

3. - 8. ...

**B. Recipient Criteria (Specific)**

1. Children 1 Year through 9 Years. In addition to documentation that candidates meet general criteria, the requestor shall provide documentation that:

1.a. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:1300 (July 1998), repromulgated LR 29:181 (February 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

**Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972 as it provides access to services earlier in the child's life for children diagnosed with profound hearing loss.

**Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have a positive impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973 as it reduces the financial burden on families for costs incurred for treatment for one year old recipients diagnosed with profound hearing loss.

**Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

**Public Comments**

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this proposed Rule. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

**Public Hearing**

A public hearing on this proposed Rule is scheduled for Thursday, February 25, 2016 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge,

LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing.

Kathy H. Kliebert  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Early and Periodic Screening,  
Diagnosis and Treatment  
Durable Medical Equipment Cochlear Devices**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that implementation of this proposed Rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 15-16. It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 15-16 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that the implementation of this proposed Rule will not affect revenue collections other than the federal share of the promulgation costs for FY 15-16. It is anticipated that \$270 will be collected in FY 15-16 for the federal share of the expense for promulgation of this proposed Rule and the final Rule.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

This proposed Rule amends the provisions governing cochlear devices covered under the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) program in order to reduce the minimum age requirements for cochlear device implantation to ensure that these provisions are aligned with national standards. Although the recipient criteria is being revised to expand the service eligibility by one year (from age 2 to age 1), we do not anticipate a material increase in the utilization of these services. It is anticipated that implementation of this proposed Rule will not have economic costs or benefits to providers for FY 15-16, FY 16-17 and FY 17-18.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This Rule has no known effect on competition and employment.

J. Ruth Kennedy  
Medicaid Director  
1601#081

Gregory V. Albrecht  
Chief Economist  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Bureau of Health Services Financing**

Inpatient Hospital Services  
Public-Private Partnerships  
Reimbursement Methodology  
(LAC 50:V.1703)

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to adopt LAC 50:V.1703 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act.

This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing inpatient hospital services to establish supplemental Medicaid payments to non-state owned hospitals in order to encourage them to take over the operation and management of state-owned and operated hospitals that have terminated or reduced services. Participating non-state owned hospitals shall enter into a cooperative endeavor agreement with the department to support this public-provider partnership initiative (*Louisiana Register*, Volume 39, Number 11). The department promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for inpatient psychiatric hospital services provided by non-state owned hospitals participating in public-private partnerships (*Louisiana Register*, Volume 39, Number 1). In April 2013, the department promulgated an Emergency Rule to continue the provisions of the January 2, 2013 Emergency Rule (*Louisiana Register*, Volume 39, Number 4).

The department amended the provisions governing the reimbursement methodology for inpatient services provided by non-state owned major teaching hospitals participating in public-private partnerships which assume the provision of services that were previously delivered and terminated or reduced by a state-owned and operated facility to establish an interim per diem reimbursement (*Louisiana Register*, Volume 39, Number 4). In June 2013, the department determined that it was necessary to rescind the January 2, 2013 and the May 3, 2013 Emergency Rules governing Medicaid payments to non-state owned hospitals for inpatient psychiatric hospital services (*Louisiana Register*, Volume 39, Number 6). The department promulgated an Emergency Rule which amended the provisions of the April 15, 2013 Emergency Rule in order to revise the formatting of these provisions as a result of the promulgation of the June 1, 2013 Emergency Rule to assure that these provisions are promulgated in a clear and concise manner in the *Louisiana Administrative Code* (LAC) (*Louisiana Register*, Volume 39, Number 7). This proposed Rule is being promulgated to continue the provisions of the July 20, 2013 Emergency Rule.

#### **Title 50**

### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

#### **Part V. Hospital Services**

##### **Subpart 1. Inpatient Hospital Services**

#### **Chapter 17. Public-Private Partnerships**

##### **§1703. Reimbursement Methodology**

A. Reserved.

B. Effective for dates of service on or after April 15, 2013, a major teaching hospital that enters into a cooperative endeavor agreement with the Department of Health and Hospitals to provide acute care hospital services to Medicaid and uninsured patients and which assumes providing services that were previously delivered and terminated or reduced by a state owned and operated facility shall be reimbursed as follows.

1. The inpatient reimbursement shall be reimbursed at 95 percent of allowable Medicaid costs. The interim per diem reimbursement may be adjusted not to exceed the final reimbursement of 95 percent of allowable Medicaid costs.

C. - E.3. Reserved.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

#### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability or autonomy as described in R.S. 49:972 as it will enhance recipient access to hospital services by ensuring sufficient provider participation in the Hospital Program.

#### **Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have a positive impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973 by reducing the financial burden on families for hospital services.

#### **Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service and no direct or indirect cost to the provider to provide the same level of service. These provisions will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

#### **Public Comments**

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to [MedicaidPolicy@la.gov](mailto:MedicaidPolicy@la.gov). Ms. Kennedy is responsible for responding to inquiries regarding this proposed Rule. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

#### **Public Hearing**

A public hearing on this proposed Rule is scheduled for Thursday, February 25, 2016 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing.

Kathy H. Kliebert  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Inpatient Hospital Services—Public-Private Partnerships—Reimbursement Methodology**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that the implementation of this proposed Rule will result in estimated state general fund programmatic costs of \$8,102,395 for FY 15-16, \$8,406,164 for FY 16-17 and \$8,742,410 for FY 17-18. It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 15-16 for the state's administrative expense for promulgation of this proposed Rule and the final Rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 62.17 percent in FY 15-16 and 62.26 percent in FY 16-17.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that the implementation of this proposed Rule will increase federal revenue collections by approximately \$13,315,341 for FY 15-16, \$13,867,720 for FY 16-17 and \$14,422,429 for FY 17-18. It is anticipated that \$270 will be expended in FY 15-16 for the federal administrative expenses for promulgation of this proposed Rule and the final Rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 62.17 percent in FY 15-16 and 62.26 percent in FY 16-17.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

This proposed Rule continues the provisions of the April 15, 2013 and July 20, 2013 Emergency Rules which amended the provisions governing the reimbursement methodology for inpatient services provided by non-state owned major teaching hospitals participating in public-private partnerships which assume the provision of services that were previously delivered and terminated or reduced by a state-owned and operated facility to establish an interim per diem reimbursement (1 Hospital in the Baton Rouge Area only). It is anticipated that implementation of this proposed Rule will increase programmatic expenditures for inpatient hospital services by approximately \$21,417,196 for FY 15-16, \$22,273,884 for FY 16-17 and \$23,164,839 for FY 17-18.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

It is anticipated that the implementation of this proposed Rule will not have an effect on competition, but may have a positive effect on employment.

J. Ruth Kennedy  
Medicaid Director  
1601#082

Gregory V. Albrecht  
Chief Economist  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Bureau of Health Services Financing**

Outpatient Hospital Services  
Public-Private Partnerships  
Reimbursement Methodology  
(LAC 50:V.6703)

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to adopt LAC 50:V.6703 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act.

This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing outpatient hospital services to establish supplemental Medicaid payments to non-state-owned hospitals in order to encourage them to take over the operation and management of state-owned hospitals that have terminated or reduced services (*Louisiana Register*, Volume 38, Number 11). Participating non-state-owned hospitals shall enter into a cooperative endeavor agreement with the department to support this public-private partnership initiative. The department promulgated an Emergency Rule which amended the provisions of the November 1, 2012 Emergency Rule to revise the reimbursement methodology in order to correct the federal citation (*Louisiana Register*, Volume 39, Number 3).

The department promulgated an Emergency Rule which amended the provisions governing reimbursement for Medicaid payments for outpatient services provided by non-state-owned major teaching hospitals participating in public-private partnerships which assume the provision of services that were previously delivered and terminated or reduced by a state owned and operated facility (*Louisiana Register*, Volume 38, Number 4). This proposed Rule is being promulgated to continue the provisions of the April 15, 2013 Emergency Rule.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part V. Hospital Services**

**Subpart 5. Outpatient Hospital Services**

**Chapter 67. Public-Private Partnerships**

**§6703. Reimbursement Methodology**

A. Payments to qualifying hospitals shall be made on a quarterly basis in accordance with 42 CFR 447.321.

B. Effective for dates of service on or after April 15, 2013, a major teaching hospital that enters into a cooperative endeavor agreement with the Department of Health and Hospitals to provide acute care hospital services to Medicaid and uninsured patients, and which assumes providing services that were previously delivered and terminated or reduced by a state owned and operated facility shall be reimbursed as follows.

1. Outpatient Surgery. The reimbursement amount for outpatient hospital surgery services shall be an interim payment equal to the Medicaid fee schedule amount on file for each service, and a final reimbursement amount of 95 percent of allowable Medicaid cost.

2. Clinic Services. The reimbursement amount for outpatient clinic services shall be an interim payment equal to the Medicaid fee schedule amount on file for each service, and a final reimbursement amount of 95 percent of allowable Medicaid cost.

3. Laboratory Services. The reimbursement amount for outpatient clinical diagnostic laboratory services shall be the Medicaid fee schedule amount on file for each service.

4. Rehabilitative Services. The reimbursement amount for outpatient clinic services shall be an interim payment equal to the Medicaid fee schedule amount on file for each service, and a final reimbursement amount of 95 percent of allowable Medicaid cost.

5. Other Outpatient Hospital Services. The reimbursement amount for outpatient hospital services other than clinical diagnostic laboratory services, outpatient surgeries, rehabilitation services and outpatient hospital facility fees shall be an interim payment equal to 95 percent of allowable Medicaid cost.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

#### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability or autonomy as described in R.S. 49:972 as it will enhance recipient access to hospital services by ensuring sufficient provider participation in the Hospital Program.

#### **Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have a positive impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973 as it will enhance recipient access to hospital services by ensuring sufficient provider participation in the Hospital Program.

#### **Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service and no direct or indirect cost to the provider to provide the same level of service. These provisions will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

#### **Public Comments**

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this proposed Rule. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

#### **Public Hearing**

A public hearing on this proposed Rule is scheduled for Thursday, February 25, 2016 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing.

Kathy H. Kliebert  
Secretary

## **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

### **RULE TITLE: Outpatient Hospital Services—Public-Private Partnerships—Reimbursement Methodology**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that the implementation of this proposed Rule will result in estimated state general fund programmatic costs of \$3,663,745 for FY 15-16, \$3,800,949 for FY 16-17 and \$3,952,987 for FY 17-18. It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 15-16 for the state's administrative expense for promulgation of this proposed Rule and the final Rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 62.17 percent in FY 15-16 and 62.26 percent in FY 16-17.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that the implementation of this proposed Rule will increase federal revenue collections by approximately \$6,020,841 for FY 15-16, \$6,270,459 for FY 16-17 and \$6,521,277 for FY 17-18. It is anticipated that \$270 will be expended in FY 15-16 for the federal administrative expenses for promulgation of this proposed Rule and the final Rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 62.17 percent in FY 15-16 and 62.26 percent in FY 16-17.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

This proposed Rule continues the provisions of the April 15, 2013 Emergency Rule which amended the provisions governing reimbursement for Medicaid payments for outpatient services provided by non-state owned major teaching hospitals participating in public-private partnerships which assume the provision of services that were previously delivered and terminated or reduced by a state owned and operated facility (1 Hospital in the Baton Rouge Area only). It is anticipated that implementation of this proposed Rule will increase programmatic expenditures in the Medicaid Program for outpatient hospital services by approximately \$9,684,046 for FY 15-16, \$10,071,408 for FY 16-17 and \$10,474,264 for FY 17-18.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

It is anticipated that the implementation of this proposed Rule will not have an effect on competition, but may have a positive effect on employment.

J. Ruth Kennedy  
Medicaid Director  
1601#083

Gregory V. Albrecht  
Chief Economist  
Legislative Fiscal Office

### **NOTICE OF INTENT**

#### **Department of Health and Hospitals Bureau of Health Services Financing and Office of Aging and Adult Services**

Personal Care Services—Long-Term  
(LAC 50:XV.Chapter 129)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services propose to amend LAC 50:XV.Chapter 129 in the

Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services amended the provisions governing long-term personal care services (LT-PCS) in order to restrict the number of participants an individual can concurrently represent, adopt provisions for the removal of service providers from the LT-PCS freedom of choice list when certain departmental proceedings are pending against the provider, offer freedom of choice to the provider's LT-PCS participants, and clarify the provisions governing service delivery (*Louisiana Register*, Volume 41, Number 3).

The department has now determined that it is necessary to amend the provisions governing LT-PCS in order to 1) terminate the Louisiana Personal Options Program (La POP); 2) revise the eligibility requirements for shared LT-PCS; and 3) clarify the provisions governing the activities of daily living.

## **Title 50**

### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

#### **Part XV. Services for Special Populations**

##### **Subpart 9. Personal Care Services**

##### **Chapter 129. Long Term Care**

##### **§12901. General Provisions**

A. - F.1.b. ...

2. The functions of a responsible representative are to:

a. assist or represent, as needed, the recipient in the assessment, care plan development and service delivery processes; and

F.2.b. - G.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:911 (June 2003), amended LR 30:2831 (December 2004), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 32:2082 (November 2006), LR 34:2577 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 35:2450 (November 2009), LR 39:2506 (September 2013), LR 41:540 (March 2015), LR 42:

##### **§12902. Participant Direction Option**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 34:2578 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:2507 (September 2013), repealed LR 42:

##### **§12903. Covered Services**

A. *Personal care services* are defined as those services that provide assistance with the distinct tasks associated with the performance of the activities of daily living (ADLs) and the instrumental activities of daily living (IADLs). Assistance may be either the actual performance of the personal care task for the individual or supervision and prompting so the individual performs the task by

him/herself. ADLs are those personal, functional activities required by the recipient. ADLs include tasks such as:

1. - 4. ...

5. *transferring*—the manner in which an individual moves from one surface to another (excludes getting on and off the toilet, and getting in and out of the tub/shower);

A.6. - C. ...

1. If transportation is furnished, the participant must accept all liability for their employee transporting them. It is the responsibility of the participant to ensure that the employee has a current, valid driver's license and automobile liability insurance.

a. Repealed.

D. ...

E. For participants receiving LT-PCS with the Adult Day Health Care (ADHC) Waiver, personal care services may be provided by one worker for up to three long-term personal care service recipients who live together, and who have a common direct service provider.

F. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:912 (June 2003), amended LR 30:2831 (December 2004), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 34:2578 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:2507 (September 2013), LR 42:

##### **§12905. Eligibility Criteria**

A. Personal care services shall be available to recipients who are 65 years of age or older, or 21 years of age or older and have a disability. Persons with a disability must meet the disability criteria established by the Social Security Administration.

B. - B.3.c. ...

C. Persons designated as the responsible representative of an individual receiving services under LT-PCS may not be the paid direct service worker of the individual they are representing.

D. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:912 (June 2003), amended LR 30:2831 (December 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Office of Aging and Adult Services, LR 32:2082 (November 2006), LR 34:2579 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:2507 (September 2013), LR 42:

##### **§12907. Recipient Rights and Responsibilities**

A. Recipients who receive services under the Long-Term Personal Care Services Program have the right to actively participate in the development of their plan of care and the decision-making process regarding service delivery. Recipients also have the right to freedom of choice in the selection of a provider of personal care services and to participate in the following activities:

1. - 6. ...

7. changing the personal care worker assigned to provide their services;

A.8. - B. ...

\* \* \*

C. - C.13. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:912 (June 2003), amended LR 30:2832 (December 2004), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 34:2579 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:2508 (September 2013), LR 42:

#### **§12910. La POP Standards for Participation**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 34:2580 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and Office of Aging and Adult Services, LR 39:2508 (September 2013), repealed LR 42:

#### **§12911. Staffing Requirements**

A. All staff providing direct care to the recipient must meet the qualifications for furnishing personal care services per the licensing regulations. The direct service worker shall demonstrate empathy toward the elderly and persons with disabilities, an ability to provide care to these recipients, and the maturity and ability to deal effectively with the demands of the job.

B. - B.1.f. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:2832 (December 2004), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 34:2580 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:2508 (September 2013), LR 42:

#### **§12912. Training**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 34:2580 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:2509 (September 2013), repealed LR 42:

#### **§12913. Service Delivery**

A. ...

B. The provision of services outside of the recipient's home does not include trips outside of the borders of the state without approval of OAAS or its designee.

C. Participants are not permitted to live in a home or property owned, operated, or controlled by an owner, operator, agent, or employee of a licensed provider of long-term care services, and providers are prohibited from providing and billing for services under these circumstances. Participants may not live in the home of a direct support worker unless the direct support worker is related by blood or marriage to the participant.

1. ...

D. Place(s) of service must be documented in the plan of care and service logs.

E. It is permissible for an LT-PCS recipient to use his/her approved LT-PCS weekly allotment flexibly provided that it is done so in accordance with the recipient's preferences and personal schedule and is properly documented in accordance with OAAS policy.

F. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:913 (June 2003), amended LR 30:2833 (December 2004), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 34:2581 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Financing and the Office of Aging and Adult Services, LR 39:2509 (September 2013), LR 42:

#### **§12917. Reimbursement Methodology**

A. - B.8.d. ...

C. Effective for dates of service on or after February 1, 2009, the reimbursement rate for long term personal care services shall be reduced by 3.5 percent of the rate on file as of January 31, 2009.

1. - 3. Repealed.

D. Effective for dates of service on or after August 4, 2009, the reimbursement rate for long-term personal care services shall be reduced by 4.8 percent of the rate on file as of August 3, 2009.

E. Effective for dates of service on or after August 1, 2010, the reimbursement rate for long-term personal care services shall be reduced by 4.6 percent of the rate on file as of July 31, 2010.

F. Effective for dates of service on or after January 1, 2011, the reimbursement rate for long-term personal care services shall be reduced by 5.8 percent of the rate on file as of December 31, 2010.

G. Effective for dates of service on or after April 20, 2011, shared long-term personal care services shall be reimbursed:

1. 80 percent of the rate on file as of April 19, 2011 for two participants; and

2. 70 percent of the rate on file as of April 19, 2011 for three participants.

H. Effective for dates of service on or after July 1, 2012, the reimbursement rate for long-term personal care services furnished to one participant shall be reduced by 1.5 percent of the rate on file as of June 30, 2012.

H.1. - I. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:913 (June 2003), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 34:253 (February 2008), LR 34:2581 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 35:1901 (September 2009), LR 36:1251 (June 2010), LR 37:3267 (November 2011), LR 39:1780 (July 2013), LR 42:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and

Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

**Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

**Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

**Public Comments**

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this proposed Rule.

**Public Hearing**

A public hearing on this proposed Rule is scheduled for Thursday, February 25, 2016 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Kathy H. Kliebert  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

**RULE TITLE: Personal Care Services—Long-Term**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that implementation of this proposed Rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 15-16. It is anticipated that \$1,404 (\$702 SGF and \$702 FED) will be expended in FY 15-16 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that the implementation of this proposed Rule will not affect revenue collections other than the federal share of the promulgation costs for FY 15-16. It is anticipated

that \$702 will be collected in FY 15-16 for the federal share of the expense for promulgation of this proposed Rule and the final Rule.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

This proposed Rule amends the provisions governing long-term personal care services (LT-PCS) in order to 1) terminate the Louisiana Personal Options Program (La POP); 2) revise the eligibility requirements for shared LT-PCS; and 3) clarify the provisions governing the activities of daily living. It is anticipated that implementation of this proposed Rule will not have economic costs or benefits to LT-PCS providers for FY 15-16, FY 16-17, and FY 17-18 since the La POP consumer direction option was never implemented.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This Rule has no known effect on competition and employment.

J. Ruth Kennedy  
Medicaid Director  
1601#084

Gregory V. Albrecht  
Chief Economist  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Public Safety and Corrections  
Gaming Control Board**

Application and License (LAC 42:XI.2405)

The Department of Public Safety and Corrections, Louisiana Gaming Control Board, in accordance with R.S. 27:15 and 24 and with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice that it intends to amend LAC 42:XI.2405, Application and License.

**Title 42**

**LOUISIANA GAMING**

**Part XI. Video Poker**

**Chapter 24. Video Draw Poker**

**§2405. Application and License**

A.1. - B.9. ...

10. Non-Force Majeure Surrender of License. All licensees shall continue to operate the business described in the application during the term of the license. In the event the business is not in operation for a period of 30 consecutive calendar days during which the business would normally operate, for any reason other than damage caused by a force majeure event, the licensee and device owner shall immediately notify the division of such fact and the licensee shall immediately surrender its license.

a. If surrendered in accordance with Paragraph B.10 of this Section, no video draw poker gaming devices may be operated at the premises unless and until the license is returned to the licensee.

b. The license may be returned to the licensee when business operations are resumed for the unexpired term of the license provided that the license has not been revoked and is not under suspension and further provided that no more than 180 days has elapsed from the date the license was surrendered.

c. Licenses surrendered in accordance with Paragraph B.10 of this Section shall not be subject to renewal unless the license has been returned to the licensee.

d. Failure to surrender the license as provided in Paragraph B.10 of this Section shall constitute grounds for revocation, suspension or non-renewal of the license.

11. Force Majeure. Within 15 days following a force majeure event which has damaged the licensed establishment and/or affected the operation of the business or its criteria or amenities, the licensee shall notify the division in writing of the event and resulting damage to the licensed establishment. The determination of whether the damage to the licensed establishment was the result of a force majeure event shall be solely within the discretion of the division.

a. All Licensed Establishments—Inability to Operate Business—Temporary Surrender

i. Within 30 days following a force majeure event which has affected the ability to operate the business described in the application, the licensee shall temporarily surrender its license.

ii. The license shall be eligible for renewal during the period of temporary surrender if a complete renewal application with required fees is submitted timely.

iii. No video draw poker gaming devices may be operated at the licensed establishment during the period of temporary surrender.

iv. When business operations resume, the licensee shall immediately notify the division in writing and request a compliance inspection.

v. Within 10 days following the compliance inspection, the license will be returned to the licensee if, following an on-site inspection of the licensed establishment, the division determines that the licensee is in compliance with all applicable physical amenities and permit requirements.

vi. A license may be revoked or suspended or a renewal application denied for reasons other than the inability to operate the business described in the application during the period of temporary surrender, including, without limitation, the failure to provide the notifications or surrender the license as required by Paragraph B.11 of this Section.

b. Truck Stop Facilities Only—Fuel Facility Operational—Waiver of Surrender Requirement

i. A licensed truck stop facility may be granted a 60-day waiver from the surrender provisions of Subparagraph B.11.a of this Section following a force majeure event which has not affected the operation of the fuel facility, but has resulted in the inability of the licensee to maintain and operate the on-site restaurant, the stable parking area, the onsite repair service, or any of its required amenities, provided that the licensee notifies the division in writing of the damage to the licensed establishment in accordance with the notification requirement in Paragraph B.11 of this Section and the division determines, following an on-site inspection of the licensed establishment, that the damage was in fact the result of a force majeure event.

ii. The division may grant one 60-day extension if it determines that the licensee has made substantial progress towards completing the necessary repairs within the original 60-day waiver period and the licensee can demonstrate a reasonable likelihood of completing the necessary repairs within the next 60 days.

iii. No waiver shall be granted if the force majeure event has affected the ability of the licensee to operate the fuel facility.

iv. Under no circumstances shall a licensee continue video poker operations after the expiration of the 60-day waiver or any extension thereof granted by the division without completing the necessary repairs and resuming normal operations. If the licensee has not completed necessary repairs and resumed normal operations, it shall immediately surrender the license upon the expiration of the 60-day waiver or any extension granted by the division.

v. When business operations resume, the licensee shall immediately notify the division in writing and request a compliance inspection.

vi. The license shall be eligible for renewal during the period of waiver if a complete renewal application with required fees is submitted timely.

vii. During the period of waiver, a license may be revoked or suspended or a renewal application denied, for reasons other than failure to operate that portion(s) of the business operations, criteria, and/or amenities for which the waiver was granted, including, without limitation, the failure to provide the notifications required in Paragraph B.11 of this Section.

C. - D.7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:582 (June 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 23:1322 (October 1997), LR 24:955 (May 1998), LR 26:346 (February 2000), LR 26:2322 (October 2000), LR 27:61 (January 2001), LR 29:362 (March 2003), LR 30:267 (February 2004), repromulgated LR 30:439 (March 2004), amended LR 34:1037 (June 2008), LR 35:82 (January 2009), repromulgated LR 35:490 (March 2009), amended LR 36:2045 (September 2010), LR 38:2935 (November 2012), LR 40:1105, 1109 (June 2014), repromulgated LR 40:1382 (July 2014), amended LR 40:1384 (July 2014), LR 41:1498 (August 2015), LR 42:

#### **Family Impact Statement**

Pursuant to the provisions of R.S. 49:953(A) and 972, the Louisiana Gaming Control Board, through its chairman, has considered the potential family impact of amending LAC 42:XI.2405.

It is accordingly concluded that amending LAC 42:XI.2405 would appear to have no impact on the following:

1. the effect on stability of the family;
2. the effect on the authority and rights of parents regarding the education and supervision of their children;
3. the effect on the functioning of the family;
4. the effect on family earnings and family budget;
5. the effect on the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

#### **Poverty Impact Statement**

Pursuant to the provisions of R.S. 49:953(A) and 973, the Louisiana Gaming Control Board, through its chairman, has

considered the potential poverty impact of amending LAC 42:XI.2405.

It is accordingly concluded that amending LAC 42:XI.2405 would appear to have no impact on the following:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

#### **Small Business Analysis**

Pursuant to the provisions of R.S. 49:965.5, the Louisiana Gaming Control Board, through its chairman, has concluded that there will be no adverse impact on small businesses if LAC 42:XI.2405 is amended, as the changes will not apply to small businesses.

#### **Provider Impact Statement**

Pursuant to the provisions of R.S. 49:953(A), the Louisiana Gaming Control Board, through its chairman, has considered the potential provider impact of amending LAC 42:XI.2405.

It is accordingly concluded that amending LAC 42:XI.2405 would appear to have no impact on the following:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service.
2. The total direct and indirect effect on the costs to the provider to provide the same level of service.
3. The overall effect on the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments to Matthew H. Long, Assistant Attorney General, Louisiana Department of Justice, Gaming Division, 1885 North Third Street, Fifth Floor, Baton Rouge, LA 70802. All comments must be submitted by 4:30 p.m. on February 10, 2015.

Ronnie Jones  
Chairman

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Application and License**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule change will have no effect on state or local governmental expenditures.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change will nominally increase revenue collections for the Gaming Control Board. The amendments to LAC 42:XI.2405(B)(11) provide that licensees can renew licenses after temporarily surrendering them due to a force majeure event, provided they submit an application with the required fees. To the extent licensees temporarily surrender their licenses due to force majeure events and apply to renew them, the Gaming Control Board will see a nominal increase of revenues associated with the license renewal fees.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule change will have a nominal effect on expenditures for Video Draw Poker licensees within the State of Louisiana. The amendments to LAC 42:XI.2405(B)(11) provide that licensees can renew licenses after temporarily surrendering them due to a force majeure event, provided they submit an application with the required fees. To the extent licensees temporarily surrender their licenses due to force majeure events and apply to renew them, they will see a nominal increase in expenditures statewide. Currently Video Draw Poker license fees are \$1,100 for bars, restaurants, hotels, and racetracks/off-track betting facilities. License fees are \$10,100 for truck stop facilities.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule change will have no effect on competition and employment.

Ronnie Jones  
Chairman  
1601#042

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

### **NOTICE OF INTENT**

#### **Department of Public Safety and Corrections Gaming Control Board**

#### **Application and Reporting Forms (LAC 42:III.120)**

The Department of Public Safety and Corrections, Louisiana Gaming Control Board, in accordance with R.S. 27:15 and 24 and with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice that it intends to amend LAC 42:III.120, Application and Reporting Forms.

#### **Title 42**

#### **LOUISIANA GAMING**

#### **Part III. Gaming Control Board**

#### **Chapter 1. General Provisions**

#### **§120. Application and Reporting Forms**

- A. - A.3.i. ...  
j. multiple use reporting form, DPSSP 6600;  
k. - u. ...  
v. video draw poker associated business entity form, DPSSP 6504;

\* \* \*

w. application withdrawal/license surrender form, LGCBVP 0100;

x. surrender waiver request form, LGCBVP 0101.

4. - 6.a....

b. labor organization registration statement, LGCBGEN 0100.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:340 (February 2000), amended LR 40:1379 (July 2014), LR 41:2176 (October 2015), LR 42:

#### **Family Impact Statement**

Pursuant to the provisions of R.S. 49:953(A) and 972, the Louisiana Gaming Control Board, through its chairman, has considered the potential family impact of amending LAC 42:III.120.

It is accordingly concluded that amending LAC 42:III.120 would appear to have no impact on the following:

1. the effect on stability of the family;
2. the effect on the authority and rights of parents regarding the education and supervision of their children;
3. the effect on the functioning of the family;
4. the effect on family earnings and family budget;
5. the effect on the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

**Poverty Impact Statement**

Pursuant to the provisions of R.S. 49:953(A) and 973, the Louisiana Gaming Control Board, through its chairman, has considered the potential poverty impact of amending LAC 42:III.120.

It is accordingly concluded that amending LAC 42:III.120 would appear to have no impact on the following:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

**Small Business Analysis**

Pursuant to the provisions of R.S. 49:965.5 the Louisiana Gaming Control Board, through its chairman, has concluded that there will be no adverse impact on small businesses if LAC 42:III.120 is amended, as the changes will not apply to small businesses.

**Provider Impact Statement**

Pursuant to the provisions of R.S. 49:953(A), the Louisiana Gaming Control Board, through its chairman, has considered the potential provider impact of amending LAC 42:XI.2405.

It is accordingly concluded that amending LAC 42:XI.2405 would appear to have no impact on the following:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service.
2. The total direct and indirect effect on the costs to the provider to provide the same level of service.
3. The overall effect on the ability of the provider to provide the same level of service.

**Public Comments**

Interested persons may submit written comments to Matthew H. Long, Assistant Attorney General, Louisiana Department of Justice, Gaming Division, 1885 North Third Street, Fifth Floor, Baton Rouge, LA 70802. All comments must be submitted by 4:30 p.m. on February 10, 2015.

Ronnie Jones  
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

**RULE TITLE: Application and Reporting Forms**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule change will result in a marginal increase in expenditures for the Gaming Control Board. This proposed rule change adds three new forms: the Application Withdrawal/License Surrender Form, the Surrender Waiver Request Form and the Labor Organization Statement. The Gaming Control Board will likely incur a marginal increase in costs related to generating and publishing these new forms.

In addition, the proposed rule change also renumbers the existing Multiple Use Reporting Form.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change will have no effect on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule change will have no effect on costs to directly affected persons or non-governmental units.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule change will have no effect on competition and employment.

Ronnie Jones  
Chairman  
1601#043

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

Alligator Farms (LAC 76:V.701)

The Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission do hereby advertise their intent to promulgate rules for the slaughter of farm alligators and amend the rules for the alligator farm facility requirements in the alligator regulations.

**Title 76**

**WILDLIFE AND FISHERIES**

**Part V. Wild Quadrupeds and Wild Birds**

**Chapter 7. Alligators**

**§701. Alligator Regulations**

A. - A.1. ...

2. Definitions. The following words and phrases for purposes of these regulations shall have the meaning ascribed to them in this Section, unless the context wherein the particular word or phrase is used clearly indicates a different meaning.

\* \* \*

*Pithing*—insertion of a rod into the foramen magnum of the alligator followed by four to six circular motions of such rod to destroy the brain.

\* \* \*

*Slaughter*—killing farm-raised alligators for the purpose of harvesting commodities such as meat, hides, or parts.

\* \* \*

3. - 14.k. ...

15. Alligator Farm Facility Requirements

a. - a.iv. ...

v. all controlled-temperature alligator sheds (environmental chambers) shall be of a design acceptable to the department. Each shed shall maintain a minimum water and air temperature of 80° Fahrenheit.

b. - c. ...

d. All alligator farmers possessing alligator hatchlings shall house hatchlings in controlled environmental chambers which maintain a minimum temperature of 80° Fahrenheit year-round containing wet areas of sufficient surface area to permit all alligators to partially submerge in water. All alligators 48" or less in length shall be housed in environmental chambers unless a special permit is issued by the department to move them to outside growth areas. Violation of this Subparagraph is a class three violation as described in Title 56.

e. Alligator farmers shall house alligators of different lengths into at least three groups, providing separation for all alligators less than two feet in length, two to four feet in length, and over four feet in length. Violation of this Subparagraph is a class three violation as described in Title 56.

f. - g. ...

h. Any alligator egg or alligator raised on an alligator farm shall be cared for under conditions that do not threaten the survival of such egg and alligator as determined by the biological staff of the Coastal and Nongame Resources Division. In making such determination, Coastal and Nongame Resources Division biologists shall take into consideration sanitary conditions, temperature control, feeding, overcrowding and other conditions which affect the survival of alligator eggs and alligators. If the biological staff of the Coastal and Nongame Resources Division determines that the survival of any alligator egg or alligator is threatened due to the conditions on an alligator farm, the department shall notify the alligator farmer and shall provide the farmer with 60 days to take corrective action. If the farmer fails to take corrective action within 60 days, the department shall have the authority to confiscate any alligator egg or alligator which remains under conditions that threaten the survival of such alligator egg or alligator and to dispose of such alligator egg or alligator as the department deems necessary. Violation of this Subparagraph is a class four violation as described in Title 56.

16. Farm-Raised Alligator Slaughter Methods

a.i. Legal methods for the slaughter of farm-raised alligators are as follows:

- (a). penetrating captive bolt;
- (b). non-penetrating captive bolt;
- (c). spinal cord severance followed immediately by pithing the brain; and

(d). other slaughter methods may be acceptable if they are approved in writing by the Department after review and consultation with a trained veterinarian; any slaughter

method presented for review must quickly inflict severe damage to the brain, be humane and not pose a high risk to administering personnel.

ii. Selected slaughter method must be administered properly so as to cause a rapid loss of consciousness and death.

iii. Violation of this Subparagraph is a class three violation as described in Title 56.

17. Exceptions

a. The department or an authorized representative of the department may take by any means and possess alligators, alligator eggs, or parts of alligators while in the performance of official duties.

b. These regulations shall not prohibit a person from killing an alligator in immediate defense of his or her life or the lives of others. Alligators killed under this provision must be reported to the department within 24 hours.

18. Penalty for Violation

a. In order to facilitate greater control over alligator trafficking, the Louisiana Department of Wildlife and Fisheries finds that public welfare imperatively requires emergency action when the provisions of these regulations are violated.

b. In addition to all penalties set forth herein, violators may be subject to criminal prosecution under provisions of the *Louisiana Revised Statutes*, particularly titles 14 and 56 and under federal law.

c. In addition to all other penalties provided by these rules and by statute, violation of any part of these regulations may result in the suspension and/or revocation of any or all alligator licenses/permits held by the violator and, as further penalty, for serious, repeat, or multiple violations, the department shall have the right to deny a violator any and all licenses/permits relating to alligators for a period not to exceed three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:259, R.S. 56:262, R.S. 56:263 and R.S. 56:280.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:1070 (December 1990), amended LR 17:892 (September 1991), LR 19:215 (February 1993), LR 20:321 (March 1994), LR 26:1492 (July 2000), LR 28:1996 (September 2002), LR 30:2338 (October 2004), LR 30:2878 (December 2004), LR 31:2267 (September 2005), LR 33:677 (April 2007), LR 35:690 (April 2009), LR 37:2421 (August 2011), LR 39:2291 (August 2013), LR 42:

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent and the final Rule, including, but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

**Family Impact Statement**

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

**Poverty Impact Statement**

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

**Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

**Public Comments**

Interested persons may submit written comments on the proposed Rule to Robert Love, Department of Wildlife and Fisheries, P.O. Box 98000, Baton Rouge, LA, 70898-9000 no later than 4:30 p.m., February 22, 2016.

Edwin “Pat” Manuel  
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

**RULE TITLE: Alligator Farms**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There will be no state or local government implementation cost or savings associated with the proposed rule changes. The proposed rule changes specify legal methods for the slaughter of farm-raised alligators, defines the terms “pithing” and “slaughter”, removes regulations requiring specific minimum space per alligator on alligator farms and removes regulations that set specific land and water area requirements for groups of alligators held on alligator farms. Although the proposed rule changes will require a trained veterinarian to approve alternative methods of slaughter, LDWF has preexisting arrangements with veterinarians at the LSU Veterinary School to provide this advice. Therefore, no additional costs will be added to the department to accommodate the proposed rule changes.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change will have no effect on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

There is no anticipated negative impact as a result of the proposed rule changes for directly affected persons and non-governmental groups because the proposed changes do not mandate any stricter regulations for alligator farming, but loosen existing regulations. The current regulatory requirements regarding the minimum space per alligator and specific land and area requirements were adopted at a time when most alligator farm pools or tanks were shallower than those that are common today. The Louisiana Department of Wildlife and Fisheries (LDWF) biologists believe that the removal of the regulatory requirements would allow alligator farmers more flexibility in their stocking decisions without compromising the welfare of animals kept on alligator farms.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule change is not anticipated to have any effect on competition and employment in the public and private sectors.

Bryan McClinton  
Undersecretary  
1601#057

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

Resident Game Hunting Season  
(LAC 76:XIX.Chapter 1)

The Wildlife and Fisheries Commission has amended the general and wildlife management area rules and regulations for the 2016-2017 season, the resident game hunting season for the 2016-2018 hunting seasons, the general and wildlife management area rules and regulations for the turkey season, the turkey hunting areas, and seasons, and bag limits for the 2017 turkey season, and the migratory bird seasons, regulations, and bag limits for the 2016-17 hunting season.

**Title 76**

**WILDLIFE AND FISHERIES**

**Part XIX. Hunting and WMA Regulations**

**Chapter 1. Resident Game Hunting Season**

**§101. General**

A. The resident game hunting season regulations have been adopted by the Wildlife and Fisheries Commission. A complete copy of the regulation pamphlet may be obtained from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), LR 30:1493 (July 2004), LR 31:1627 (July 2005), LR 32:1253 (July 2006), LR 33:1399 (July 2007), LR 34:1447 (July 2008), LR 35:1278 (July 2009), LR 36:1580 (July 2010), LR 37:2206 (July 2011), LR 38:1747 (July 2012), LR 39:2307 (August 2013), LR 40:1534 (August 2014), LR 41:958 (May 2015), LR 42:

**§103. Resident Game Birds and Animals**

A. Shooting Hours—one-half hour before sunrise to one-half hour after sunset.

B. Consult Regulation Pamphlet for Seasons or Specific Regulations on Wildlife Management Areas or Specific Localities

Species	Season Dates	Daily Bag Limit	Possession Limit
Quail	OPENS: 3rd Saturday of November CLOSES: Last Day of February	10	20
Rabbit and Squirrel	OPENS: 1st Saturday of October CLOSES: Last Day of February	8	16
Squirrel*	OPENS: 1st Saturday of May for 23 days	3	6
Deer 2016-18	See Schedule	1 antlered and 1 antlerless (when legal)	6/season (not to exceed 3 antlered deer or 4 antlerless deer)

\*NOTE: Spring squirrel season is closed on the Kisatchie National Forest, National Wildlife Refuges, U.S. Army Corps of Engineers property. Some state wildlife management areas will be open, check WMA season schedule.

C. Deer Hunting Schedule 2016-2017

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
1	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Fri. after 2nd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. OPENS: Mon. after 1st Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Jan.
2	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: Next to last Sat. of Oct. CLOSES: Fri. before last Sat. of Oct. OPENS: Mon. after the last day of Modern Firearm Season in Jan. CLOSES: After 7 days.	OPENS: Last Sat. of Oct. CLOSES: Tues. before 2nd Sat. of Dec. in odd numbered years and on Wed. during even numbered years EXCEPT when there are 5 Sats. in Nov. and then it will close on the Tues. in odd numbered years or Wed. during even numbered years before the 1st Sat. of Dec.	OPENS: Wed. before the 2nd Sat. of Dec. in odd numbered years and on Thurs. during even numbered years EXCEPT when there are 5 Sats. in Nov., then it will open on the Wed. before the 1st Sat. of Dec. on odd years and Thurs. during even numbered years CLOSES: 40 days after opening in odd numbered years or 39 days after opening in even numbered years
3	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after Thanksgiving Day CLOSES: Fri. before 1st Sat. of Dec.	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day OPENS: 1st Sat. of Dec. CLOSES: After 37 days	
4	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Fri. after 2nd Sat. of Nov. (EITHER SEX) OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan. (EITHER SEX FOR 1ST 7 DAYS, BUCKS ONLY FOR REMAINDER OF SEASON)	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Mon. after 1st Sat. of Jan. CLOSES: next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 3rd Sat. of Nov. CLOSES: Sun. after 3rd Sat. of Nov. (EITHER SEX) OPENS: Friday after Thanksgiving CLOSES: Sun. after Thanksgiving. (EITHER SEX) OPENS: 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Dec. (EITHER SEX) OPENS: 2nd Sat. of Jan. CLOSES: Sun. after 2nd Sat. of Jan. (EITHER SEX) OPENS: 3rd Sat. of Jan. CLOSES: Sun. after 3rd Sat. of Jan. (EITHER SEX)	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2nd Sat. of Dec. CLOSES: Sun. after 2nd Sat. of Dec. (EITHER SEX) OPENS: 3rd Sat. of Dec. CLOSES: Sun. after 3rd Sat. of Dec. (EITHER SEX) OPENS: 4th Sat. of Dec. CLOSES: Sun. after 4th Sat. of Dec. (EITHER SEX) OPENS: 1st Sat. of Jan. CLOSES: Sun. after 1st Sat. of Jan. (EITHER SEX)

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
5	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov.(BUCKS ONLY) OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.(EITHER SEX 1ST 7 DAYS, BUCKS ONLY FOR REMAINDER OF SEASON)	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2nd Sat. of Dec. CLOSES: Sun. after 2nd Sat. of Dec. (EITHER SEX) OPENS: Sat. after Christmas. CLOSES: Sun. after Christmas. (EITHER SEX) OPENS: 2nd Sat. in Jan. CLOSES: Sun. after 2nd Sat. in Jan. (EITHER SEX)
6	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan.
7	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct.(EITHER SEX) OPENS: 1st Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Nov. (BUCKS ONLY).	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after 3rd Sat. of Oct. (EITHER SEX) OPENS: Mon. after 3rd Sun. of Oct. CLOSES: Fri Before 1st Sat. of Nov. (BUCKS ONLY) OPENS: 2nd Sat of Nov. CLOSES: Sun. after Thanksgiving (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 3rd Sat. of Nov. CLOSES: Sun. after 3rd Sat. of Nov. (EITHER SEX) OPENS: Fri. after Thanksgiving. CLOSES: Sun. after Thanksgiving. (EITHER SEX)	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days(BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Sat. after Christmas. CLOSES: Sun. after Christmas. (EITHER SEX)
8	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after Thanksgiving Day CLOSES: Fri. before 1st Sat. of Dec.	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day.	OPENS: 1st Sat. of Dec. CLOSES: After 37 days.
9	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov.(BUCKS ONLY) OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.(EITHER SEX 1ST 7 DAYS, BUCKS ONLY FOR REMAINDER OF SEASON)	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2nd Sat. of Dec. CLOSES: Sun. after 2nd Sat. of Dec. (EITHER SEX) OPENS: Sat. after Christmas. CLOSES: Sun. after Christmas. (EITHER SEX) OPENS: 2nd Sat. in Jan. CLOSES: Sun. after 2nd Sat. in Jan. (EITHER SEX)

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
10	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. (EITHER SEX) OPENS: Mon. after Thanksgiving Day CLOSES: Fri. before 1st Sat. of Dec. (BUCKS ONLY)	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day(BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 1st Sat. of Dec. CLOSES: After 37 days(BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 3rd Sat. of Oct. CLOSES: Sun. after 3rd Sat. in Oct. (EITHER SEX) OPENS: 2nd Sat. of Nov. CLOSES: Sun. after 2nd Sat. of Nov. (EITHER SEX) OPENS: Fri. after Thanksgiving. CLOSES: Sun. after Thanksgiving. (EITHER SEX) OPENS: Sat. after Christmas. CLOSES: Sun. after Christmas. (EITHER SEX)	

D. Deer Hunting Schedule 2017-2018

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
1	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Fri. after 2nd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. OPENS: Mon. after 1st Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Jan.
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Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
4	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Fri. after 2nd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan. (EITHER SEX FOR 1ST 7 DAYS, BUCKS ONLY FOR REMAINDER OF SEASON)	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Mon. after 1st Sat. of Jan. CLOSES: next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 3rd Sat. of Nov. CLOSES: Sun. after 3rd Sat. of Nov. (EITHER SEX) OPENS: Friday after Thanksgiving CLOSES: Sun. after Thanksgiving. (EITHER SEX) OPENS: 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Dec. (EITHER SEX) OPENS: 2nd Sat. of Jan. CLOSES: Sun. after 2nd Sat. of Jan. (EITHER SEX) OPENS: 3rd Sat. of Jan. CLOSES: Sun. after 3rd Sat. of Jan. (EITHER SEX)	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2nd Sat. of Dec. CLOSES: Sun. after 2nd Sat. of Dec. (EITHER SEX) OPENS: 3rd Sat. of Dec. CLOSES: Sun. after 3rd Sat. of Dec. (EITHER SEX) OPENS: 4th Sat. of Dec. CLOSES: Sun. after 4th Sat. of Dec. (EITHER SEX) OPENS: 1st Sat. of Jan. CLOSES: Sun. after 1st Sat. of Jan. (EITHER SEX)
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Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
8	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after Thanksgiving Day CLOSES: Fri. before 1st Sat. of Dec.	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day.	OPENS: 1st Sat. of Dec. CLOSES: After 37 days.
9	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. (BUCKS ONLY) OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan. (EITHER SEX 1ST 7 DAYS, BUCKS ONLY FOR REMAINDER OF SEASON)	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2nd Sat. of Dec. CLOSES: Sun. after 2nd Sat. of Dec. (EITHER SEX) OPENS: Sat. after Christmas. CLOSES: Sun. after Christmas. (EITHER SEX) OPENS: 2nd Sat. in Jan. CLOSES: Sun. after 2nd Sat. in Jan. (EITHER SEX)
10	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. (EITHER SEX) OPENS: Mon. after Thanksgiving Day CLOSES: Fri. before 1st Sat. of Dec. (BUCKS ONLY)		

E. Farm-raised white-tailed deer on supplemented shooting preserves:

1. archery, firearm, primitive firearms—October 1-January 31 (either-sex).

F. Exotics on supplemented shooting preserves:

1. either sex—no closed season.

G. Spring squirrel hunting:

1. season dates—opens 1st Saturday of May for 23 days;

2. closed areas:

a. Kisatchie National Forest, national wildlife refuges, and U.S. Army Corps of Engineers property and all WMAs except as provided in Paragraph 3 below;

3. wildlife management area schedule—opens first Saturday of May for nine days on all WMAs except Fort Polk, Peason Ridge, Camp Beauregard, Pass-a-Loutre and Salvador. Dogs are allowed during this season for squirrel hunting. Feral hogs may be taken on wildlife management areas during this season;

4. limits—daily bag limit is three and possession limit is nine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:109(B) and R.S. 56:141(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), repromulgated LR 25:1526 (August 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), repromulgated LR 29:1521 (August 2003), amended LR 30:1494 (July 2004), LR 31:1627 (July 2005), LR 32:1254 (July 2006), LR 33:115 (January 2007), LR 33:1399 (July 2007), LR 34:1447 (July 2008), LR 35:1278 (July 2009), LR 35:2856 (December 2009), LR 36:1580 (July 2010), LR 37:2207 (July 2011), LR 38:1747 (July 2012), LR 39:2307 (August 2013), LR 40:1535 (August 2014), LR 41:958 (May 2015), LR 42:

## §111. General and Wildlife Management Area Hunting Rules and Regulations

A. Hunting Seasons and Wildlife Management Area (WMA) Regulations

1. The rules and regulations contained within this digest have been officially approved and adopted by the Wildlife and Fisheries Commission under authority vested by sections 115 and 116 of title 56 of the *Louisiana Revised Statutes* of 1950 and are in full force and effect in conjunction with all applicable statutory laws. The secretary of the Department of Wildlife and Fisheries (LDWF) has the authority to close or alter seasons in emergency situations in order to protect fish and wildlife resources.

2. Pursuant to section 40.1 of title 56 of the *Louisiana Revised Statutes* of 1950, the Wildlife and Fisheries Commission has adopted monetary values which are assigned to all illegally taken, possessed, injured or destroyed fish, wild birds, wild quadrupeds and other wildlife and aquatic life. Anyone taking, possessing, injuring or destroying fish, wild birds, wild quadrupeds and other wildlife and aquatic life shall be required to reimburse the LDWF a sum of money equal to the value of the wildlife illegally taken, possessed, injured or destroyed. This monetary reimbursement shall be in addition to any and all criminal penalties imposed for the illegal act.

B. Resident Game Birds and Animals

1. Shooting hours: one-half hour before sunrise to one-half hour after sunset.

C. Other Season Dates

1. Turkey. Please refer to turkey regulations.

2. Raccoon and Opossum. No closed season. Raccoon and opossum can be taken at night by one or more licensed hunters with one or more dogs and one .22 caliber or smaller rimfire firearm. A licensed hunter may take raccoon or opossum with .22 caliber or smaller rimfire firearm, .36

caliber or smaller muzzleloader rifle or shotgun during daylight hours. Hunting from boats or motor vehicles is prohibited. No bag limit for nighttime or daytime raccoon or opossum hunting during the open trapping season except on certain WMAs as listed. The remainder of the year, the raccoon and opossum bag limit for daytime or nighttime is two per person per day or night. No one who hunts raccoons or opossums as prescribed above shall pelt during the closed trapping season nor sell skins or carcasses of raccoons and opossums taken during the open trapping season unless he is the holder of a valid trapping license which shall be required in addition to his basic hunting license. Pelting or selling carcasses is illegal during closed trapping season.

3. Nutria. On WMAs and private property nutria may be taken recreationally by licensed hunters from September 1 through the last day of February, during legal shooting hours by any legal hunting method with a daily limit of five. Except nutria may be taken on Atchafalaya Delta, Salvador/Timken, Pointe-Aux-Chenes and Pass-a-Loutre WMAs from September 1 to March 31. When taken with a shotgun, non-toxic shot must be used. On WMAs during waterfowl seasons, nutria may be taken only with the use of shotguns with shot no larger than F steel, and during gun deer seasons, anyone taking nutria must display 400 square inches of "hunter orange" and wear a "hunter orange" cap or hat. Recreational nutria hunters must remove each nutria carcass in whole condition from the hunting area, except that nutria may be gutted. Possession of detached nutria parts, including nutria tails, by recreational hunters is illegal. Nutria harvested recreationally may not be pelted nor may such nutria or any nutria parts from recreationally taken nutria be sold, including the tail. Trespassing upon private property for the purpose of taking nutria or other furbearing animals is punishable by fines and possible jail time (R.S. 56:265). The Coastwide Nutria Control Program is a separate program and is in no way related to the nutria recreational season. For questions on the Coastwide Nutria Control Program, call the New Iberia office (337) 373-0032.

4. Blackbirds and Crows. The season for crows shall be September 1 through January 1 with no limit; however crows, blackbirds, cowbirds and grackles may be taken year round during legal shooting hours if they are depredating or about to depredate upon ornamentals or shade trees, agricultural crops, livestock, wildlife, or when concentrated in such numbers as to cause a health hazard. Louisiana has determined that the birds listed above are crop depredators and that crows have been implicated in the spread of the West Nile virus in humans. As described in 50 CFR Part 21, non-toxic shot must be used for the take of crows, blackbirds, cowbirds and grackles under the special depredation order. In addition an annual report has to be submitted to the U.S. Fish and Wildlife Service for those that participate in the take of these species.

5. Pheasant. Open concurrently with the quail season; no limit.

6. Falconry. Special permit required. Resident and migratory game species may be taken except turkeys. Seasons and bag limits are the same as for statewide and WMA regulations. Refer to LAC 76:V.301 for specific falconry rules.

7. Licensed Hunting Preserve, October 1-April 30, Pen-Raised Birds Only. No limit entire season. Refer to LAC 76:V.305 for specific hunting preserve rules.

8. Deer Management Assistance Program (DMAP). Refer to LAC 76:V.111 for specific DMAP rules. Deer management assistance tags must be in the possession of the hunter in order to harvest an antlerless deer. The tag shall be attached through the hock in such a manner that it cannot be removed before the deer is transported (including those taken on either-sex days and those taken with approved archery equipment or primitive firearms). Failure to do so is a violation of R.S. 56:115. Deer harvested on property enrolled in DMAP do not count in the season or daily bag limit for hunters when legally tagged with DMAP tags. Failing to follow DMAP rules and regulations may result in suspension and cancellation of the program on those lands involved.

9. Farm Raised White-tailed Deer and Exotics on Licensed Supplemented Shooting Preserves

a. Definitions

*Exotics*—for purposes of this Section means any animal of the family *Bovidae* (except the *Tribe Bovini* [cattle]) or *Cervidae* which is not indigenous to Louisiana and which is confined on a supplemented hunting preserve. *Exotics* shall include, but are not limited to, fallow deer, red deer, elk, sika deer, axis deer, and black buck antelope.

*Hunting*—in its different tenses and for purposes of this Section means to take or attempt to take, in accordance with R.S. 56:8.

*Same as Outside*—for purposes of this Section means hunting on a supplemented hunting preserve must conform to applicable statutes and rules governing hunting and deer hunting, as provided for in title 56 of the *Louisiana Revised Statutes* and as established annually by the Wildlife and Fisheries Commission.

*Supplemented Hunting Preserve*—for purposes of this Section means any enclosure for which a current farm-raising license has been issued by the Department of Agriculture and Forestry (LDAF) with concurrence of the LDWF and is authorized in writing by the LDAF and LDWF to permit hunting.

*White-Tailed Deer*—for purposes of this Rule means any animal of the species *Odocoileus virginianus* which is confined on a supplemented hunting preserve.

b. Seasons:

i. farm-raised white-tailed deer: consult the regulations pamphlet;

ii. exotics: year round.

c. Methods of take:

i. white-tailed deer: same as outside;

ii. exotics: exotics may be taken with traditional bow, compound bow and crossbow or any bow drawn, held or released by mechanical means; shotguns not larger than 10 gauge, loaded with buckshot or rifled slug; handguns and rifles no smaller than .22 caliber centerfire; or muzzleloading rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, using black powder or an approved substitute only, and using ball

or bullet projectile, including sabotaged bullets only and other approved primitive firearms.

d. Shooting hours:

- i. white-tailed deer: same as outside;
- ii. exotics: one-half hour before sunrise to one-half hour after sunset.

e. Bag limit:

- i. farm-raised white-tailed deer: same as outside;
- ii. exotics: no limit.

f. Hunting licenses:

- i. white-tailed deer: same as outside;
- ii. exotics: no person shall hunt any exotic without possessing a valid basic and big game hunting license.

g. Tagging. White-tailed deer and exotics: each animal shall be tagged in the left ear or left antler immediately upon being killed and before being moved from the site of the kill with a tag provided by the LDAF. The tag shall remain with the carcass at all times.

10. Bobcat. No person other than the holder of a valid big game license may take or possess bobcat, except licensed trappers who may take or possess bobcat during the open trapping season. A big game licensee shall only take bobcat during the time period from one-half hour before sunrise to one-half hour after sunset with approved archery equipment, shotgun, muzzleloader or centerfire firearm. A big game licensee shall not take more than one bobcat per calendar year. This regulation applies only to property that is privately owned, state WMAs, Kisatchie National Forest, and the Bayou des Ourses, Bodcau, Bonnet Carre, and Indian Bayou tracts owned by the Corps of Engineers, but does not apply to state wildlife refuges, or other federally owned refuges and lands. On state WMAs and Kisatchie National Forest, the take of bobcat is restricted to those open seasons on the WMAs which require the respective legal weapons noted above.

D. Hunting—General Provisions

1. A basic resident or non-resident hunting license is required of all persons to hunt, take, possess or cause to be transported by any other person any wild bird or quadruped. See information below for exceptions.

2. No person born on or after September 1, 1969, shall hunt unless that person has first been issued a certificate of satisfactory completion of a firearm and hunter education course approved by the department, except any active or veteran member of the United States armed services or any POST-certified law enforcement officer. Application for the exemption shall be filed in person at the LDWF main office building in the city of Baton Rouge. A person under 16 years of age may hunt without such certificate if he/she is accompanied by and is under the direct supervision of a person who was born before September 1, 1969, and has a valid hunting license or who is 18 years of age or older and has proof of successful completion of a firearm and hunter education course approved by the department.

3. A big game license is required in addition to the basic hunting license to hunt, take, possess or cause to be transported any deer. A separate wild turkey license is required in addition to the basic hunting license and the big game license to hunt, take, possess or cause to be transported any turkey.

4. Taking game quadrupeds or birds from aircraft or participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

5. Methods of Taking Resident Game Birds and Quadrupeds

a. It is illegal to intentionally feed, deposit, place, distribute, expose, scatter, or cause to be fed, deposited, placed, distributed, exposed, or scattered raw sweet potatoes to wild game quadrupeds.

b. Use of a traditional bow, compound bow and crossbow or any bow drawn, held or released by mechanical means or a shotgun not larger than a 10 gauge fired from the shoulder shall be legal for taking all resident game birds and quadrupeds. Also, the use of a handgun, rifle and falconry (special permit required) shall be legal for taking all game species except turkey. It shall be illegal to hunt or take squirrels or rabbits at any time with a breech-loaded rifle or handgun larger than .22 caliber, any centerfire firearm, or a muzzleloading firearm larger than .36 caliber. It shall be legal to hunt or take squirrels, rabbits, and outlaw quadrupeds with air rifles.

c. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs is prohibited when or where a still hunting season or area is designated, and will be strictly enforced. Shotguns larger than 10 gauge or capable of holding more than three shells shall be prohibited. Plugs used in shotguns must be incapable of being removed without disassembly. Refer to game schedules contained within these regulations for specific restrictions on the use of firearms and other devices.

d. No person shall take or kill any game bird or wild quadruped with a firearm fitted with an infrared sight, laser sight, or except as provided in R.S. 56:116(A)(8) any sighting device which projects a beam of light to the target or otherwise electronically illuminates the target, or device specifically designed to enhance vision at night [R.S. 56:116.1(B)(3)].

6. Nuisance Animals. Landowners or their designees may remove beaver and nutria causing damage to their property without a special permit. Water set traps and firearms may be used to remove beaver; nutria may be removed by any means except that nutria cannot be taken by the use of headlight and gun between the hours of sunset and sunrise. With a special permit issued by the LDWF, beavers may be taken between one-half hour after official sunset to one-half hour before official sunrise for a period of three consecutive calendar evenings from the effective date of the permit. Any nuisance beaver or nutria trapped or shot outside open trapping season cannot be pelted or sold. A trapping license is required to sell or pelt nuisance beavers or nutria taken during open trapping season. Squirrels found depredating commercial crops of pecans may be taken year-round by permit issued by the LDWF. This permit shall be valid for 30 days from the date of issuance. Contact the local region office for details.

7. Threatened and endangered species: Louisiana black bear, Louisiana pearl shell (mussel), sea turtles, gopher tortoise, ringed sawback turtle, brown pelican, bald eagle,

peregrine falcon, whooping crane, Eskimo curlew, piping plover, interior least tern, ivory-billed woodpecker, red-cockaded woodpecker, Bachman's warbler, West Indian manatee, Florida panther, pallid sturgeon, Gulf sturgeon, Atwater's greater prairie chicken, whales and red wolf. Taking or harassment of any of these species is a violation of state and federal laws.

8. **Outlaw Quadrupeds.** Holders of a legal hunting license may take coyotes, feral hogs, and armadillos year round during legal daylight shooting hours. The running of coyotes with dogs is prohibited in all turkey hunting areas during the open turkey season. Coyote hunting is restricted to chase only when using dogs during still hunting segments of the firearm and archery only seasons for deer. Foxes are protected quadrupeds and may be taken only with traps by licensed trappers during the trapping season. Remainder of the year "chase only" allowed by licensed hunters.

9. **Nighttime Take of Nuisance Animals and Outlaw Quadrupeds.** On private property, the landowner, or his lessee or agent with written permission and the landowner's contact information in his possession, may take outlaw quadrupeds (coyotes, armadillos and feral hogs), nutria, or beaver during the nighttime hours from one-half hour after official sunset on the last day of February to one-half hour after official sunset the last day of August of that same year. Such taking may be with or without the aid of artificial light, infrared or laser sighting devices, or night vision devices. In addition, pursuant to R.S. 56:116(D)(3) any person who is authorized to possess a firearm suppressor may use a firearm fitted with a sound suppressor when taking outlaw quadrupeds, nutria, or beaver. Any person attempting to take outlaw quadrupeds under the provisions of the paragraph, within 24 hours prior to the attempted taking, shall notify the sheriff of the parish in which the property is located and the LDWF Enforcement Division by calling (800) 442-2511 of their intention to attempt to take outlaw quadrupeds under the provision of this Paragraph.

10. **Hunting and/or Discharging Firearms on Public Roads.** Hunting, standing, loitering or shooting game quadrupeds or game birds while on a public road or public road right-of-way is prohibited. Hunting or the discharge of firearms on roads or highways located on public levees or within 100 feet from the centerline of such levee roads or highways is prohibited. Spot lighting or shining from public roads is prohibited by state law. Hunting from all public roads and public road rights-of-way is prohibited.

11. **Tags.** Any part of the deer or wild turkey divided shall have affixed thereto the name, date, address and big game license number of the person killing the deer or wild turkey and the sex of that animal. This information shall be legibly written in pen or pencil, on any piece of paper or cardboard or any material, which is attached or secured to or enclosing the part or parts. On lands enrolled in DMAP, deer management assistance tags must be attached and locked through the hock of antlerless deer, (including those taken with approved archery and primitive firearms, and those antlerless deer taken on either-sex days) in a manner that it cannot be removed, before the deer is moved from the site of the kill.

12. **Sex Identification.** Positive evidence of sex identification, including the head or sex organs, shall remain on any deer taken or killed within the state of Louisiana, or

on all turkeys taken or killed so long as such deer or turkey is kept in camp or field, or is in route to the domicile of its possessor, or until such deer or turkey has been stored at the domicile of its possessor or divided at a cold storage facility and has become identifiable as food rather than as wild game.

#### E. General Deer Hunting Regulations

1. Prior to hunting deer, all deer hunters, regardless of age or license status, must obtain deer tags and have in possession when hunting deer. Immediately upon harvesting a deer, the hunter must tag the deer with the appropriate carcass tag and document the kill on the deer tag license. Within seven days the hunter must validate the kill. Hunters harvesting deer on DMAP lands can validate deer per instructions by LDWF using the DMAP harvest data sheets. Hunters on WMAS can validate deer during mandatory deer check hunts, when deer check stations are in operation. Hunters may validate deer by calling the validation toll free number or using the validation website.

2. **2016-2017 Season.** One antlered and one antlerless deer per day (when legal) except on Kisatchie National Forest, Indian Bayou Area owned by the US Army Corps of Engineers, and some federal refuges (check refuge regulations) where the daily limit shall be one deer per day. Season limit is six, not to exceed three antlered deer or four antlerless deer (all segments included) by all methods of take, except antlerless harvest on property enrolled in DMAP does not count in the season or daily bag limit for hunters. Antlerless deer may be harvested during entire deer season on private lands (all seasons included) except as specified in deer hunting schedule. Consult deer hunting schedule in the regulations pamphlet for either-sex days for these parishes and areas. This does not apply to public lands (WMAs, national forest lands, and federal refuges) which will have specified either-sex days.

3. **2017-2018 Season.** One antlered and one antlerless deer per day (when legal) except on Kisatchie National Forest, Indian Bayou area owned by the US Army Corps of Engineers, and some federal refuges (check refuge regulations) where the daily limit shall be one deer per day. Season limit is six, not to exceed three antlered deer or four antlerless deer (all segments included) by all methods of take, except antlerless harvest on property enrolled in DMAP does not count in the season or daily bag limit for hunters. Antlerless deer may be harvested during entire deer season on private lands (all seasons included) except as specified in deer hunting schedule. Consult deer hunting schedule in the regulations pamphlet for either-sex days for these parishes and areas. This does not apply to public lands (WMAs, national forest lands, and federal refuges) which will have specified either-sex days.

4. A legal antlered deer is a deer with at least one visible antler of hardened bony material, broken naturally through the skin, except on Alexander State Forest WMA, Bayou Macon WMA, Big Lake WMA, Bodcau WMA, Boeuf WMA, Buckhorn WMA, Dewey Wills WMA, Jackson-Bienville WMA, Loggy Bayou WMA, Ouachita WMA, Pearl River WMA, Pomme de Terre WMA, Red River WMA, Russell Sage WMA, Sicily Island Hills WMA, Spring Bayou WMA, Three Rivers WMA and Union WMA during the experimental quality deer season (See the specific WMA schedule for more information.). A legal antlered deer

during the experimental quality deer season shall be defined as a deer with at least four points on one side. To be counted as a point, a projection must be at least one inch long and its length must exceed the length of its base. The beam tip is counted as a point but not measured as a point. Killing antlerless deer is prohibited except where specifically allowed.

5. *Either-sex deer* is defined as male or female deer. Taking or possessing spotted fawns is prohibited.

6. It is illegal to hunt or shoot deer with firearms smaller than .22 caliber centerfire or a shotgun loaded with anything other than buckshot or slug. Handguns may be used for hunting.

7. Taking game quadrupeds or birds from aircraft, participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

8. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs or moving vehicles, including ATVs, when or where a still hunting season or area is designated, is prohibited and will be strictly enforced. The training of deer dogs is prohibited in all still hunting areas during the gun still hunting and archery only season. Deer hunting with dogs is allowed in all other areas having open deer seasons that are not specifically designated as still hunting only. A leashed dog may be used to trail and retrieve wounded or unrecovered deer during legal hunting hours. Any dog used to trail or retrieve wounded or unrecovered deer shall have on a collar with owner's name, address, and phone number. In addition, a dog may be used to trail and retrieve unrecovered deer after legal hunting hours; however, no person accompanying a dog after legal hunting hours may carry a firearm of any sort.

9. It is illegal to take deer while deer are swimming or while the hunter is in a boat with motor attached in operating position; however the restriction in this Paragraph shall not apply to any person who has lost one or more limbs.

10. Areas not specifically designated as open are closed.

11. Primitive Firearms Season: Still Hunt Only. Specific WMAs will also be open, check WMA schedule for specific details. Primitive firearms license is required for resident hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Either-sex deer may be taken in all deer hunting areas except as otherwise specified. It is unlawful to carry a gun, other than a primitive firearm, including those powered by air or other means, while hunting during the special primitive firearms segment. Except, it is lawful to carry a .22 caliber rimfire pistol loaded with #12 shot (ratshot only).

a. Legal Firearms for Primitive Firearms Season

i. Rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle, use black powder or approved substitute only, take ball, shot, or bullet projectile only, including sabot bullets, and may be fitted with magnified scopes.

ii. Single shot, breech loading rifles or single shot, breech loading pistols, .35 caliber or larger, having an exposed hammer, that use metallic cartridges loaded either

with black powder or modern smokeless powder, and may be fitted with magnified scopes.

iii. Single shot, breech loading shotguns, 10 gauge or smaller, having an exposed hammer, loaded with buckshot or slug.

iv. Youths 17 or younger may hunt deer with any legal weapon during the primitive firearms season in each deer hunting area.

12. Archery Season. Archery license required for resident bow hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Either-sex deer may be taken in all areas open for deer hunting except when a bucks only season is in progress for gun hunting, and except in areas 6 and 9 from October 1-15. Archers must conform to the bucks only regulations. Either-sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMA. Also, archery season restricted on Atchafalaya Delta, Salvador, Lake Boeuf, and Pointe-aux-Chenes WMAs (see schedule).

a. Bow and Arrow Regulations. Traditional bow, compound bow and crossbow or any bow drawn, held or released by mechanical means will be a legal means of take for all properly licensed hunters. Hunting arrows for deer must have well-sharpened broadhead points. Bow and arrow fishermen must have a sport fishing license and may not carry any arrows with broadhead points unless a big game season is in progress.

i. It is unlawful:

(a). to have in possession or use any poisoned or drugged arrow or arrows with explosive tips;

(b). to hunt deer with a bow having a pull less than 30 pounds;

(c). to hunt with a bow or crossbow fitted with an infrared, laser sight, electrically-operated sight or device specifically designed to enhance vision at night (does not include non-projecting red dot sights) [R.S. 56:116.1.B.(4)].

13. Hunter Orange. Any person hunting any wildlife during the open gun deer hunting season and possessing buckshot, slugs, a primitive firearm, or a centerfire rifle shall display on his head, chest and/or back a total of not less than 400 square inches of "hunter orange". Persons hunting on privately owned land may wear a hunter orange cap or hat in lieu of the 400 square inches. These provisions shall not apply to persons hunting deer from elevated stands on property that is privately owned or to archery deer hunters hunting on lands where firearm hunting is not allowed by agreement of the landowner or lessee. However, anyone hunting deer on such lands where hunting with firearms is allowed shall be required to display the 400 square inches or a hunter orange cap or hat while walking to and from elevated stands. While a person is hunting from an elevated stand, the 400 square inches or cap or hat may be concealed. Warning: deer hunters are cautioned to watch for persons hunting other game or engaged in activities not requiring "hunter orange".

14. Physically Challenged Season on Private Lands (Either-Sex): first Saturday of October for two days. Restricted to individuals with physically challenged hunter permit.

15. Youth and Honorably Discharged Veterans Season on Private Lands (Either-Sex). Areas 1, 4, 5, 6 and 9: last

Saturday of October for seven days; area 2: second Saturday of October for seven days; and areas 3, 7, 8 and 10: fourth Saturday of September for seven days. Youths 17 or younger only. Youths must be accompanied by an adult 18 years of age or older. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. Except properly licensed youths 16-17 years old and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. One of the following must be carried by veterans while hunting:

- a. Louisiana OMV issued U.S. Veterans Driver's License; or
- b. U.S. Department of Defense Form 214 or one of the following DD\_214 equivalents:
  - i. pre DD 214 era documents (1941\_1950):
    - (a). WE AGO (war department adjutant general) forms, to include WD AGO 53, WD AGO 55, WD AGO 53\_55;
    - (b). JAVPERS (naval personnel) discharge documents, to include NAVPERS 553, NAVMC78PD, NAVCG 553;
    - ii. National Personnel Records Center NPRC "statement of service," issued as a result of a destroyed discharge record during the 1973 National Archives fire;
    - iii. National Guard/Air National Guard must have NGB\_22 with 6 or more years of service.

F. Description of Areas, 2015-2017

1. Area 1

- a. All of the following parishes are open: Concordia, East Carroll, Franklin, Madison, Richland, Tensas, West Carroll.
- b. Portions of the following parishes are also open:
  - i. Catahoula—east of Boeuf River to Ouachita River, east of Ouachita River from its confluence with Boeuf River to LA 8, south and east of LA 8 southwesterly to parish line;
  - ii. Grant—east of US 165 and south of LA 8;
  - iii. LaSalle—south of a line beginning where Little River enters Catahoula Lake following the center of the lake eastward to Old River then to US 84, east of US 84 northward to LA 8, south of LA 8 eastward to parish line;
  - iv. Ouachita—south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse line at Wham Bake;
  - v. Rapides—east of US 165 and north of Red River.
- c. Still hunting only in all or portions of the following parishes:
  - i. Catahoula—south of Deer Creek to Boeuf River, east of Boeuf and Ouachita Rivers to LA 8 at Harrisonburg, west of LA 8 to LA 913, west of LA 913 and LA 15 to Deer Creek;
  - ii. East Carroll—all;
  - iii. Franklin—all;

- iv. Morehouse—east of US 165 (from Arkansas state line) to Bonita, south and east of LA 140 to junction of LA 830-4 (Cooper Lake Road), east of LA 830-4 to Bastrop, east of LA 139 at Bastrop to junction of LA 593, east and north of LA 593 to Collinston, east of LA 138 to junction of LA 134 and south of LA 134 to Ouachita line at Wham Brake;

- v. Ouachita—south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse line at Wham Bake;

- vi. Richland—all;

- vii. West Carroll.

2. Area 2

- a. All of the following parishes are open:

- i. Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Jackson, Lincoln, Natchitoches, Red River, Sabine, Union, Webster, Winn;

- ii. except: Kisatchie National Forest which has special regulations. Caney, Corney, Middlefork tracts of Kisatchie have the same regulations as area 2, except still hunting only for deer.

- b. Portions of the following parishes are also open:

- i. Allen—north of US 190 from parish line westward to Kinder, east of US 165 from Kinder northward to LA 10 at Oakdale, north of LA 10 from Oakdale westward to the parish line;

- ii. Avoyelles—that portion west of I-49;

- iii. Catahoula—west of Boeuf River to Ouachita River, west of Ouachita River from its confluence with Boeuf River to LA 8, north and west of LA 8 southwesterly to parish line;

- iv. Evangeline—all except the following portions: east of I-49 to junction of LA 29, east of LA 29 south of I-49 to Ville Platte, and north of US 167 east of Ville Platte;

- v. Grant—all except that portion south of LA 8 and east of US 165;

- vi. Jefferson Davis—north of US 190;

- vii. LaSalle—north of a line beginning where Little River enters Catahoula Lake, following the center of the lake eastward to Old River then to US 84, west of US 84 northward to LA 8, north of LA 8 eastward to parish line;

- viii. Morehouse—west of US 165 (from Arkansas state line) to Bonita, north and west of LA 140 to junction of LA 830-4 (Cooper Lake Road), west of LA 830-4 to Bastrop, west of LA 139 to junction of LA 593, west and south of LA 593 to Collinston, west of LA 138 to junction of LA 134 and north of LA 134 to Ouachita Parish line at Wham Brake;

- ix. Ouachita—all except south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse Parish line at Wham Brake;

- x. Rapides—all except north of Red River and east of US 165, south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill, and north of LA 113 from Union Hill to Vernon Parish line, and that portion south of Alexandria between Red River and US 167 to junction of US 167 with I-49 at Turkey Creek exit, east of I-49 southward to parish line;

- xi. Vernon—north of LA 10 from the parish line westward to LA 113, south of LA 113 eastward to parish

line. Also the portion north of LA 465 west of LA 117 from Kurthwood to Leesville and north of LA 8 from Leesville to Texas state line.

c. Still hunting only in all or portions of the following parishes:

i. Claiborne and Webster—Caney, Corney and Middlefork tracts of Kisatchie National Forest (see Kisatchie National Forest regulations);

ii. Ouachita—east of Ouachita River;

iii. Rapides—west of US 167 from Alexandria southward to I-49 at Turkey Creek exit, west of I-49 southward to parish line, north of parish line westward to US 165, east of US 165 northward to US 167 at Alexandria. North of LA 465 from Vernon Parish line to LA 121, west of LA 121 to I-49, west of I-49 to LA 8, south and east of LA 8 to LA 118 (Mora Road), south and west of LA 118 to Natchitoches Parish line;

iv. Vernon—east of Mora-Hutton Road from Natchitoches Parish line to Hillman Loop Road, south and east of Hillman Loop Road to Comrade Road, south of Comrade Road to LA 465, east and north of LA 465 to Rapides Parish line.

### 3. Area 3

a. Portions of the following parishes are open:

i. Acadia—north of I-10;

ii. Allen—south of US 190 and west of LA 113;

iii. Beauregard—west of LA 113 and east of LA 27 from the parish line northward to DeRidder and north of US 190 westward from DeRidder to Texas state line;

iv. Calcasieu—east of LA 27 from Sulphur northward to the parish line, and north of I-10;

v. Jefferson Davis—north of I-10 and south of US 190;

vi. Lafayette—west of I-49 and north of I-10;

vii. Rapides—south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill and north of LA 113 from Union Hill to Vernon Parish line;

viii. St. Landry—west of US 167;

ix. Vernon—west and north of LA 113, south of LA 465, east of LA 117 from Kurthwood to Leesville, and south of LA 8 from Leesville to Texas state line.

### 4. Area 4

a. All of St. Helena and Washington Parishes are open.

b. Portions of the following parishes are also open:

i. East Baton Rouge—all except that portion north of I-110 and west of US 61;

ii. East Feliciana—east of US 61;

iii. West Feliciana—east of US 61;

iv. Livingston—north of I-12;

v. Tangipahoa—north of I-12;

vi. St. Tammany—all except that portion south of I-12, west of LA 1077 to LA 22, south of LA 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.

c. Still hunting only in all or portions of the following parishes:

i. East Feliciana and East Baton Rouge—east of Thompson Creek from the Mississippi state line to LA 10, north of LA 10 from Thompson Creek to LA 67 at Clinton, west of LA 67 from Clinton to Mississippi state line, south

of Mississippi state line from LA 67 to Thompson Creek. Also that portion of East Baton Rouge Parish east of LA 67 from LA 64 north to Parish Line, south of Parish Line from LA 64 eastward to Amite River, west of Amite River southward to LA 64, north of LA 64 to LA 37 at Magnolia, east of LA 37 northward to LA 64 at Indian Mound, north of LA 64 from Indian Mound to LA 67. Also, that portion of East Feliciana Parish east of LA 67 from parish line north to LA 959, south of LA 959 east to LA 63, west of LA 63 to Amite River, west of Amite River southward to parish line, north of parish line westward to LA 67;

ii. St. Helena—north of LA 16 from Tickfaw River at Montpelier westward to LA 449, east and south of LA 449 from LA 16 at Pine Grove northward to Rohner Road, south of Rohner Road to LA 1045, south of LA 1045 to the Tickfaw River, west of the Tickfaw River from LA 1045 southward to LA 16 at Montpelier;

iii. Tangipahoa—that portion of Tangipahoa Parish north of LA 10 from the Tchefuncte River to LA 1061 at Wilmer, east of LA 1061 to LA 440 at Bolivar, south of LA 440 to the Tchefuncte River, west of the Tchefuncte River from LA 440 southward to LA 10;

iv. Washington and St. Tammany—east of LA 21 from the Mississippi state line southward to the Bogue Chitto River, north of the Bogue Chitto River from LA 21 eastward to the Pearl River Navigation Canal, east of the Pearl River Navigation Canal southward to the West Pearl River, north of the West Pearl River from the Pearl River Navigation Canal to Holmes Bayou, west of Holmes Bayou from the West Pearl River northward to the Pearl River, west of the Pearl River from Holmes Bayou northward to the Mississippi state line, south of the Mississippi state line from the Pearl River westward to LA 21. Also, that portion of Washington Parish west of LA 25 from the Mississippi state line southward to the Bogue Chitto River, then west of the Bogue Chitto River to its junction with the St. Tammany Parish line, north of the St. Tammany Parish line to the Tangipahoa Parish line, east of the Tangipahoa Parish line to the Mississippi state line, south of the Mississippi state line to its junction with LA 25;

v. West Feliciana—west of Thompson Creek to Illinois-Central Railroad, north of Illinois-Central Railroad to Parish Road #7, east of Parish Road #7 to the junction of US 61 and LA 966, east of LA 966 from US 61 to Chaney Creek, south of Chaney Creek to Thompson Creek.

### 5. Area 5

a. Portions of the following parishes are open:

i. St. Martin Parish south of I-10 and east of the West Atchafalaya Basin Protection Levee and west of the East Atchafalaya Basin Protection Levee;

ii. Iberville Parish—south of I-10 and west of the East Atchafalaya Basin Protection Levee;

iii. Iberia Parish—east of the West Atchafalaya Basin Protection Levee and west of the East Atchafalaya Basin Protection Levee;

iv. St. Mary Parish—east of the West Atchafalaya Basin Protection Levee;

v. high water benchmark closure. Deer hunting in those portions of Iberville and St. Martin parishes south of I-10, west of the East Atchafalaya Basin Protection Levee, east of the West Atchafalaya Basin Protection Levee, and north of Alligator Bayou and Bayou Sorrel will be closed

when the river stage of the Atchafalaya River reaches 18 feet at Butte LaRose. Deer hunting in those portions of Iberville, St. Martin, St. Mary and Iberia parishes west of the East Atchafalaya Basin Protection Levee, east of the West Atchafalaya Basin Protection Levee and south of Alligator Bayou and Bayou Sorrel will be closed when the river stage of the Atchafalaya River reaches 15 feet msl at Butte LaRose.

6. Area 6

- a. All of Point Coupee Parish is open.
- b. Portions of the following parishes are also open:
  - i. Avoyelles—all except that portion west of I-49;
  - ii. Evangeline—that portion east of I-49 to junction of LA 29, east of LA 29 south of I-49 to Ville Platte and north of US 167 east of Ville Platte;
  - iii. Iberville—all north of I-10, and that portion south of I-10 at the Atchafalaya Basin protection levee south to Upper Grand River, then north of Upper Grand River to the Intracoastal Canal at Jack Miller, then west of the Intracoastal Canal northward to Bayou Plaquemine, then north of Bayou Plaquemine to the Mississippi River;
  - iv. Lafayette—north of I-10 and east of I-49;
  - v. Rapides—south of Alexandria between Red River and US 167 to the junction of US 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line;
  - vi. St. Landry—east of US 167;
  - vii. St. Martin—north of I-10;
  - viii. East Baton Rouge—north of I-110 and west of US 61;
  - ix. West Feliciana—west of US 61;
  - x. East Feliciana—west of US 61;
  - xi. West Baton Rouge—north I-10.
- c. Still hunting only in all or portions of the following parishes:

- i. Avoyelles—north of LA 1 from Simmesport westward to LA 115 at Marksville, east of LA 115 from Marksville northward to the Red River near Moncla, south and west of the Red River to LA 1 at Simmesport;
- ii. Rapides—south of Alexandria between Red River and US 167 to the junction of US 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line;
- iii. West Feliciana—west of Thompson Creek to Illinois-Central Railroad, north of Illinois-Central Railroad to Parish Road #7, east of Parish Road #7 to the junction of US 61 and LA 966, east of LA 966 from US 61 to Chaney Creek, south of Chaney Creek to Thompson Creek.

7. Area 7

- a. Portions of the following parishes are open:
  - i. Iberia—south of LA 14 and west of US 90;
  - ii. St. Mary—all except that portion north of US 90 from Iberia Parish line eastward to Wax Lake Outlet, east of Wax Lake Outlet southward to Intracoastal Waterway, north of Intracoastal Waterway eastward to the Atchafalaya River, east of the Atchafalaya River.

8. Area 8

- a. Portions of the following parishes are open:
  - i. Allen—that portion east of LA 113 from the parish line to US 190, north of US 190 eastward to Kinder, west of US 165 northward to LA 10 at Oakdale and south of LA 10 from Oakdale westward to parish line;

- ii. Beauregard—that portion east of LA 113. Also that portion west of LA 27 from parish line northward to DeRidder, south of US 190 from DeRidder to Texas state line;

- iii. Calcasieu—that portion west of LA 27 from the parish line southward to Sulphur and north of I-10 from Sulphur to the Texas state line;

- iv. Vernon—that portion west of LA 113 from the parish line northward to Pitkin and south of LA 10 from Pitkin southward to the parish line.

9. Area 9

- a. All of the following parishes are open: Ascension, Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John, Terrebonne.

- b. Portions of the following parishes are open:

- i. Iberia—east of US 90 and west of the West Atchafalaya Basin Protection Levee and east of the East Atchafalaya Basin Protection Levee;

- ii. Iberville—east of the East Atchafalaya Basin Protection Levee and south of Upper Grand River to the Intracoastal Canal to Bayou Plaquemines, then south of Bayou Plaquemines to the Mississippi River;

- iii. Lafayette—south of I-10 and east of US 90;

- iv. Livingston—south of I-12;

- v. St. Martin—west of the Atchafalaya Basin Protection Levee and south of I-10. East of the East Atchafalaya Basin Protection Levee and south of I-10;

- vi. St. Mary—east of US 90 from Iberia Parish line to the Wax Lake Outlet, east of Wax Lake Outlet southward to Intracoastal Waterway, north of Intracoastal Waterway eastward to the Atchafalaya River, east of the Atchafalaya River except for portion within the East and West Atchafalaya Basin Protection Levees;

- vii. St. Tammany—that portion south of I-12, west of LA 1077 to LA 22, south of LA 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain;

- viii. Tangipahoa—south of I-12.

- c. Still hunting only in all or portions of the following parishes:

- i. Iberville—east of the Mississippi River;

- ii. Plaquemines—east of the Mississippi River;

- iii. St. Bernard—all of the parish shall be still hunting only except that portion of St. Bernard known as the spoil area between the MRGO on the east and Access Canal on the west, south of Bayou Bienvenue and north of Bayou la Loutre;

- iv. St. John—south of Pass Manchac from Lake Pontchartrain to US 51, east of US 51 from Pass Manchac to LA 638 (Frenier Beach Road). North of LA 638 from US 51 to Lake Pontchartrain, west of Lake Pontchartrain from LA 638 to Pass Manchac.

10. Area 10

- a. All of Cameron and Vermillion Parishes are open.

- b. Portions of the following parishes are open:

- i. Acadia—south of I-10;

- ii. Calcasieu—south of I-10;

- iii. Iberia—west of US 90 and north of LA 14;

- iv. Jefferson Davis—south of I-10;

- v. Lafayette—south of I-10 and west of Hwy 90.

## G. WMA Regulations

### 1. General

a. The following rules and regulations concerning the management, protection and harvest of wildlife have been officially approved and adopted by the Wildlife and Fisheries Commission in accordance with the authority provided in *Louisiana Revised Statutes* of 1950, section 109 of title 56. Failure to comply with these regulations will subject individual to citation and/or expulsion from the management area.

b. Citizens are cautioned that by entering a WMA managed by the LDWF they may be subjecting themselves and/or their vehicles to game and/or license checks, inspections and searches.

c. WMA seasons may be altered or closed anytime by the LDWF secretary in emergency situations (floods, fire or other critical circumstances).

d. Hunters may enter the WMA no earlier than 4 a.m. unless otherwise specified. Hunters must check out and exit the WMA no later than two hours after sunset, or as otherwise specified.

e. Lands within WMA boundaries will have the same seasons and regulations pertaining to baiting and use of dogs as the WMA within which the lands are enclosed; however, with respect to private lands enclosed within a WMA, the owner or lessee may elect to hunt according to the regular season dates and hunting regulations applicable to the geographic area in which the lands are located, provided that the lands are first enrolled in DMAP. Interested parties should contact the nearest LDWF region office for additional information.

f. Dumping garbage or trash on WMAs is prohibited. Garbage and trash may be properly disposed of in designated locations if provided.

g. Disorderly conduct or hunting under influence of alcoholic beverages, chemicals and other similar substances is prohibited.

h. Damage to or removal of trees, shrubs, hard mast (including but not limited to acorns and pecans), wild plants, non-game wildlife (including reptiles and amphibians) or any species of butterflies, skippers or moths is prohibited without a permit from the LDWF. Gathering and/or removal of soft fruits, mushrooms and berries shall be limited to five gallons per person per day.

i. Burning of marshes is prohibited. Hunting actively burning marsh is prohibited.

j. Nature Trails. Trails shall be limited to pedestrians only. No vehicles, ATVs, horses, mules, bicycles, etc. allowed. Removal of vegetation (standing or down) or other natural material prohibited.

k. Deer seasons are for legal buck deer unless otherwise specified.

l. Small game, when listed under the WMA regulations may include both resident game animals and game birds as well as migratory species of birds.

m. Oysters may not be harvested from any WMA, except that oysters may be harvested from private oyster leases and state seed grounds located within a WMA, when authorized by the Wildlife and Fisheries Commission and upon approval by the Department of Health and Hospitals.

n. Free ranging livestock prohibited.

### 2. Permits

a. A WMA hunting permit is required for persons ages 18 through 59 to hunt on WMAs.

b. Self-Clearing Permits. A self-clearing permit is required for all activities (hunting, fishing, hiking, bird watching, sightseeing, etc.) on WMAs unless otherwise specified. The self-clearing permit will consist of two portions: check in, check out. On WMAs where self-clearing permits are required, all persons must obtain a WMA self-clearing permit from an information station. The check in portion must be completed and put in a permit box before each day's activity on the day of the activity (except if hunting from a private camp adjacent to the WMA being hunted or if camping on the WMA, users need only to check in once during any 72 hour period). Users may check-in one day in advance of use. The check-out portion must be carried by each person while on the WMA and must be completed and put in a permit box immediately upon exiting the WMA or within 72 hours after checking in if hunting from a private camp adjacent to the WMA being hunted or if camping on the WMA. No permit is required of fishers and boaters who do not travel on a WMA road and/or launch on the WMA as long as they do not get out of the boat and onto the WMA. When mandatory deer checks are specified on WMAs, hunters must check deer at a check station. When mandatory check-in for deer seasons is specified on WMAs, hunters must check in at designated locations, and obtain a daily hunt permit. Self-clearing permits are not required for persons only traveling through the WMA provided that the most direct route is taken and no activities or stops take place.

c. Persons using WMAs or other LDWF administered lands for any purpose must possess one of the following: a valid wild Louisiana stamp, a valid Louisiana fishing license, or a valid Louisiana hunting license. Persons younger than 16 or older than 60 years of age are exempt from this requirement. Also a self-clearing WMA permit, detailed above, may be required (available at most entrances to each WMA). Check individual WMA listings for exceptions.

### 3. Special Seasons

a. Youth Deer Hunt. Youths 17 or younger only. Youths must be accompanied by an adult 18 years of age or older. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times, except properly licensed youths and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Contact the appropriate region office for maps of specific hunting areas. Either-sex deer may be taken on WMAs with youth hunts. Consult the regulations pamphlet for WMAs offering youth hunts.

NOTE: Some hunts may be by pre-application lottery.

b. Youth Squirrel Hunt (on selected WMAs only). Only youths 17 or younger may hunt. Squirrel, rabbit, raccoon, hogs and opossum may be taken. No dogs allowed. All other seasons will remain open to other hunters. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times, except properly licensed youths and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Self-clearing permits are required. Consult the regulations pamphlet for WMAs offering youth squirrel hunts.

c. Youth Mourning Dove Hunt. A youth mourning dove hunt will be conducted on specific WMAs and will follow the same regulations provided for youth deer hunts on the first or second weekend of the mourning dove season (Saturday and/or Sunday only). Consult the regulations pamphlet for WMAs offering youth mourning dove hunts.

d. Physically Challenged Season. An either-sex deer season will be held for hunters possessing a physically challenged hunter permit on WMAs during the dates specified under the individual WMA. Participants must possess a physically challenged hunter permit. Contact region office for permit application and map of specific hunting area. Consult the regulations pamphlet for WMAs offering physically challenged seasons.

e. Turkey Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadlines. All turkeys must be reported at self-clearing station. Contact region offices for more details. Consult separate turkey hunting regulations pamphlet for more details.

f. Waterfowl Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadline. Consult regulations pamphlet for individual WMA schedules or contact any Wildlife Division office for more details.

g. Mourning Dove Lottery Hunts. Consult regulations pamphlet for individual WMA schedules or contact any Wildlife Division office for more details.

h. Trapping. Consult annual trapping regulations for specific dates. All traps must be run daily. Traps with teeth are illegal. Hunter orange required when a deer gun season is in progress.

i. Raccoon Hunting. A licensed hunter may take raccoon or opossum, one per person per day, during daylight hours only, during the open rabbit season on WMAs.

*Nighttime Experimental*—all nighttime raccoon hunting where allowed is with dogs only. There is no bag limit. Self-clearing permit required.

j. Sport Fishing. Sport fishing, crawfishing and frogging are allowed on WMAs when in compliance with current laws and regulations except as otherwise specified under individual WMA listings.

k. Small Game Emphasis Areas. Specially designated areas on certain WMAs will allow small game hunting with dogs, confined to that specific area when the remainder of the WMA is restricted to still hunt only. Additionally, off season training of rabbit and bird dogs may be allowed on some of the small game emphasis areas. Small game emphasis areas are offered on Big Colewa Bayou, Bayou Macon, Bayou Pierre, Boeuf, Dewey W. Wills, Marsh Bayou, Ouachita, Richard K. Yancey, Sandy Hollow, Sherburne, and Walnut Hill WMAs.

#### 4. Firearms

a. Firearms having live ammunition in the chamber, magazine, cylinder or clip when attached to firearms and crossbows cocked in the ready position are not allowed in or on vehicles, boats under power, motorcycles, ATVs, UTVs, ATCs or in camping areas on WMAs. Firearms may not be carried on any area before or after permitted hours except in authorized camping areas and except as may be permitted for authorized trappers.

b. Firearms and bows and arrows are not allowed on WMAs during closed seasons except on designated shooting ranges or as permitted for trapping and except as allowed pursuant to R.S. 56:109(C) and R.S. 56:1691. Bows and broadhead arrows are not allowed on WMAs except during deer archery season, turkey season or as permitted for bowfishing. Active and retired law enforcement officers in compliance with POST requirements, federal law enforcement officers and holders of Louisiana concealed handgun permits or permit holders from a reciprocal state who are in compliance with all other state and federal firearms regulations may possess firearms on WMAs provided these firearms are not used for any hunting purpose.

c. Encased or broken down firearms and any game harvested may be transported through the areas by the most direct route provided that no other route exists except as specified under WMA listing.

d. Loaded firearms are not allowed near WMA check stations.

e. The following cannot be carried onto any WMA except during modern and primitive firearm deer seasons and during special shotgun season for feral hogs on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador WMAs (consult regulations pamphlet for specific WMA regulations):

- i. centerfire rifles;
- ii. break-action and bolt-action handguns;
- iii. scoped handguns;
- iv. shotgun slugs or shot larger than BB lead or F steel.

f. Target shooting and other forms of practice shooting are prohibited on WMAs except as otherwise specified.

g. Discharging of firearms on or across, or hunting from designated roads, ATV/UTV trails, nature trails, hiking trails, and their rights-of-way is prohibited during the modern firearms and primitive firearms deer seasons.

#### 5. Methods of Taking Game

a. Moving deer or hogs on a WMA with organized drives and standers, drivers or making use of noises or noise-making devices is prohibited.

b. On WMAs the daily limit shall be one antlered deer and one antlerless deer (when legal) per day, not to exceed three antlered deer or four antlerless deer per season (all segments included) by all methods of take.

c. Baiting, hunting over bait, or possession of bait is prohibited on all WMAs, EXCEPT bait may be kept in a vehicle traversing a WMA road or parked on a WMA road. Bait is defined as any substance used to attract game via ingestion.

d. During mandatory deer check hunts, deer may not be skinned nor have any external body parts removed including but not limited to feet, legs, tail, head or ears before being checked out.

e. Deer hunting on WMAs is restricted to still hunting only.

f. Construction of and/or hunting from permanent tree stands or permanent blinds on WMAs is prohibited. Any permanent stand or permanent blind will be removed and destroyed. A permanent blind is any blind using non-natural materials or having a frame which is not dismantled within two hours after the end of legal shooting time each day. Blinds with frames of wood, plastic, metal poles, wire, mesh, webbing or other materials may be used but must be removed from the WMA within two hours after the end of legal shooting time each day. Blinds made solely of natural vegetation and not held together by nails or other metallic fasteners may be left in place but cannot be used to reserve hunting locations. Natural vegetation (including any material used as corner posts) is defined as natural branches that are 2 inches or less in diameter. All decoys must be removed from the WMA daily. Permanent tree stands are any stands that use nails, screws, spikes, etc., to attach to trees and are strictly prohibited. Deer stands may not be left on WMAs unless the stands are removed from trees, placed flat on the ground, and left in a non-hunting position (a non-hunting position is one in which a hunter could not hunt from the stand in its present position). Also, all stands left must be legibly tagged with the user's name, address, phone number and LDWF ID number. No stand may be left on any WMA prior to the day before deer season opens on that WMA and all stands must be removed from the WMA within one day after the close of deer hunting on that WMA. Free standing blinds must be disassembled when not in use. Stands left will not reserve hunting sites for the owner or user. All portable stands, blinds, tripods, etc., found unattended in a hunting position, not placed flat on the ground, or untagged will be confiscated and disposed of by the LDWF. LDWF is not responsible for unattended stands left on an area.

g. Physically Challenged Wheelchair Confined Deer and Waterfowl Hunting Areas: special deer and waterfowl hunting areas, blinds and stands identified with LDWF logos, have been established for physically challenged hunter permit (PCHP) wheelchair confined hunters on WMAs. Hunters must obtain a PCHP permit and are required to make reservations to use blinds and stands. PCHP wheelchair hunting areas are available on Alexander State Forest, Big Colewa Bayou, Buckhorn, Clear Creek, Elbow Slough, Floy McElroy, Jackson-Bienville, Ouachita, Sandy Hollow, and Sherburne WMAs. Check WMA hunting schedules or call the LDWF field offices in Pineville, Lake Charles, Opelousas, Minden, Monroe or Hammond for information.

h. Hunting from utility poles and structures, and oil and gas exploration facilities or platforms is prohibited.

i. It is illegal to save or reserve hunting locations using permanent stands or blinds. Stands or blinds attached to trees with screws, nails, spikes, etc. are illegal.

j. Tree climbing spurs, spikes or screw-in steps are prohibited.

k. Unattended decoys will be confiscated and forfeited to the LDWF and disposed of by the LDWF. This action is necessary to prevent preemption of hunting space.

l. Spot lighting (shining) from vehicles is prohibited on all WMAs.

m. Horses and mules may be ridden on WMAs except where prohibited and except during gun seasons for deer and turkey. Riding is restricted to designated roads and trails depicted on WMA map, self-clearing permit is required. Organized trail rides prohibited except allowed by permit only on Camp Beauregard. Hunting and trapping from horses and mules is prohibited except for quail hunting or as otherwise specified. Horse-drawn conveyances are prohibited.

n. All hunters (including archers and small game hunters) except waterfowl hunters and mourning dove hunters on WMAs must display 400 square inches of "hunter orange" and wear a "hunter orange" cap during open gun season for deer. Quail and woodcock hunters and hunters participating in special dog seasons for rabbit, squirrel and feral hogs are required to wear a minimum of a "hunter orange" cap. All other hunters and archers (while on the ground) except waterfowl hunters also must wear a minimum of a "hunter orange" cap during special dog seasons for rabbit and squirrel and feral hogs. Also all persons afield during hunting seasons are encouraged to display "hunter orange". Hunters participating in special shotgun season for feral hogs on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador WMAs must display 400 square inches of hunter orange and wear a "hunter orange" cap.

o. Deer hunters hunting from concealed ground blinds must display a minimum of 400 square inches of "hunter orange" above or around their blinds which is visible from 360 degrees.

p. Archery Season for Deer. The archery season on WMAs is the same as outside and is open for either-sex deer except as otherwise specified on individual WMAs. Archery season restricted on Atchafalaya Delta and closed on certain WMAs when special seasons for youth or physically challenged hunts are in progress. Consult regulations pamphlet for specific seasons.

q. Either-sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMAs. Archers must abide by bucks only regulations and other restrictions when such seasons are in progress.

r. Primitive Firearms Season for Deer. Either-sex unless otherwise specified. See WMA deer schedule. Except youths 17 or younger may use any legal weapon during the primitive firearm season.

#### 6. Camping

a. Camping on WMAs, including trailers, houseboats, recreational vehicles and tents, is allowed only in designated areas and for a period not to exceed 16

consecutive days, regardless if the camp is attended or unattended. At the end of the 16-day period, camps must be removed from the area for at least 48 hours. Camping area use limited exclusively to outdoor recreational activities. Camping is available on a first-come, first-serve basis unless otherwise specified.

b. Houseboats are prohibited from overnight mooring within WMAs except on stream banks adjacent to LDWF-owned designated camping areas. Overnight mooring of vessels that provide lodging for hire are prohibited on WMAs. Houseboats shall not impede navigation. On Atchafalaya Delta WMA houseboats may be moored by permit only in designated areas during hunting season. Permits are available by lottery annually or by five year lease through a bid program.

c. Discharge of human waste onto lands or waters of any WMA is strictly prohibited by state and federal law. In the event public restroom facilities are not available at a WMA, the following is required. Anyone camping on a WMA in a camper, trailer, or other unit (other than a houseboat or tent) shall have and shall utilize an operational disposal system attached to the unit. Tent campers shall have and shall utilize portable waste disposal units and shall remove all human waste from the WMA upon leaving. Houseboats moored on a WMA shall have a permit or letter of certification from the Health Unit (Department of Health and Hospitals) of the parish within which the WMA occurs verifying that it has an approved sewerage disposal system on board. Further, that system shall be utilized by occupants of the houseboats when on the WMA.

d. No refuse or garbage may be dumped from these boats.

e. Firearms may not be kept loaded or discharged in a camping area unless otherwise specified.

f. Campsites must be cleaned by occupants prior to leaving and all refuse placed in designated locations when provided or carried off by campers.

g. Trash must be contained at all times while camping.

h. Burning of trash is prohibited.

i. Glass containers prohibited on campgrounds.

j. Non-compliance with camping regulations will subject occupant to immediate expulsion and/or citation, including restitution for damages.

k. Swimming is prohibited within 100 yards of boat launching ramps.

#### 7. Restricted Areas

a. For your safety, all oil and gas production facilities (wells, pumping stations and storage facilities) are off limits.

b. No unauthorized entry or unauthorized hunting in restricted areas, refuges, or limited use areas unless otherwise specified.

8. Dogs. All use of dogs on WMAs, except for bird hunting and duck hunting, is experimental as required by law. Having or using dogs on any WMA is prohibited except for nighttime experimental raccoon hunting, squirrel hunting, rabbit hunting, bird hunting, duck hunting, hog hunting and bird dog training when allowed; see individual WMA season listings for WMAs that allow dogs. Dogs running at large are prohibited on WMAs. The owner or handler of said dogs shall be liable. Only recognizable

breeds of bird dogs and retrievers are allowed for quail and migratory bird hunting. Only beagle hounds which do not exceed 15 inches at the front shoulders and which have recognizable characteristics of the breed may be used on WMAs having experimental rabbit seasons. A leashed dog may be used to trail and retrieve wounded or unrecovered deer during legal hunting hours. Any dog used to trail or retrieve wounded or unrecovered deer shall have on a collar with owner's name, address and phone number. In addition, a dog may be used to trail and retrieve unrecovered deer after legal hunting hours; however, no person accompanying a dog after legal hunting hours may carry a firearm of any sort.

#### 9. Vehicles

a. An all-terrain vehicle is an off-road vehicle (not legal for highway use) with factory specifications not to exceed the following: weight-750 pounds, length-85", and width-48". ATV tires are restricted to those no larger than 26 x 12 with a maximum 1" lug height and a maximum allowable tire pressure of 12 psi. as indicated on the tire by the manufacturer. Use of all other ATVs or ATV tires are prohibited on a WMA.

b. *Utility Type Vehicle (UTV, also Utility Terrain Vehicle)*—any recreational motor vehicle other than an ATV, not legal for highway use, designed for and capable of travel over designated unpaved roads, traveling on four or more low-pressure tires, with factory specifications not to exceed the following: weight-1900 pounds, length-128" and width-68". UTV tires are restricted to those no larger than 26 x 12 with a maximum 1" lug height and a maximum allowable tire pressure of 12 psi. UTV's are commonly referred to as side by sides and may include golf carts.

c. Vehicles having wheels with a wheel-tire combination radius of 17 inches or more measured from the center of the hub and horizontal to ground are prohibited.

d. The testing, racing, speeding or unusual maneuvering of any type of vehicle is prohibited within WMAs due to property damages resulting in high maintenance costs, disturbance of wildlife and destruction of forest reproduction.

e. Tractor or implement tires with farm tread designs R1, R2 and R4 known commonly as spade or lug grip types are prohibited on all vehicles.

f. Airboats, aircraft, personal water craft, "mud crawling vessels" (commonly referred to as crawfish combines which use paddle wheels for locomotion) and hover craft are prohibited on all WMAs and refuges, except type A personal water craft, model year 2003 and beyond, which are eight feet in length and greater, may be operated within WMAs from April 1 until the Monday of Labor Day weekend, from sunrise to sunset only, and except personal water craft allowed on designated portions of Alexander State Forest WMA year-round. Personal water craft are defined as a vessel which uses an inboard motor powering a water jet pump as its primary source of propulsion and is designed to be operated by a person sitting, standing or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel. No person shall operate such water craft at a speed greater than slow/no wake within 100 feet of an anchored or moored vessel, shoreline, dock, pier, persons engaged in angling or any other manually powered vessel.

g. Driving or parking vehicles on food or cover plots and strips is prohibited.

h. Blocking the entrance to roads and trails is prohibited.

i. Licensed motorized vehicles (LMVs) legal for highway use, including motorcycles, are restricted entirely to designated roads as indicated on WMA maps. UTVs are restricted to marked UTV trails only, except that those UTVs in which the manufacturer's specifications do not exceed the weight, length, width, and tire restrictions for ATVs are allowed on ATV trails. ATVs are restricted to marked ATV trails only when WMA roads are closed to LMVs, ATVs and UTVs may then use those roads when allowed. This restriction does not apply to bicycles.

NOTE: Only ATV and UTV trails marked with signs and/or paint, and depicted on WMA maps are open for use.

j. Use of special ATV trails for physically challenged persons is restricted to ATV physically challenged permittees. Physically challenged ATV permittees are restricted to physically challenged ATV trails or other ATV trails only as indicated on WMA maps or as marked by sign and/or paint. Persons 60 years of age and older, with proof of age, are also allowed to use special physically challenged trails and need not obtain a permit. However, these persons must abide by all rules in place for these trails. Physically challenged persons under the age of 60 must apply for and obtain a physically challenged hunter program permit from the LDWF.

k. Entrances to ATV trails will be marked with peach colored paint. Entrances to physically challenged-only ATV trails will be marked with blue colored paint. Entrances to ATV trails that are open all year long will be marked with purple paint. The end of all ATV trails will be marked by red paint. WMA maps serve only as a general guide to the route of most ATV trails, therefore all signage and paint marking as previously described will be used to determine compliance. Deviation from this will constitute a violation of WMA rules and regulations.

l. Roads and trails may be closed due to poor condition, construction or wet weather.

m. ATVs, and motorcycles cannot be left overnight on WMAs except on designated camping areas. ATVs are prohibited from two hours after sunset to 4 a.m., except raccoon hunters may use ATVs during nighttime raccoon take seasons only. ATVs are prohibited from March 1 through August 31 except squirrel hunters are allowed to use ATV trails during the spring squirrel season on the WMA and except certain trails may be open during this time period to provide access for fishing or other purposes and some ATV trails will be open all year long on certain WMAs.

n. Caution. Many LDWF-maintained roadways on WMAs are unimproved and substandard. A maximum 20 mph speed limit is recommended for all land vehicles using these roads, unless specific signage otherwise allows or restricts.

o. Hunters are allowed to retrieve their own downed deer and hogs with the aid of an ATV except on Thistlethwaite, Sherburne, Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes, Salvador, Timken, Lake Boeuf, and Biloxi WMAs under the following conditions:

i. no firearms or archery equipment is in possession of the retrieval party or on the ATV;

ii. the retrieval party may consist of no more than one ATV and one helper;

iii. ATVs may not be used to locate or search for wounded game or for any other purpose than retrieval of deer and hogs once they have been legally harvested and located;

iv. UTV's may not be used to retrieve downed deer or hogs.

#### 10. Commercial Activities

a. Hunting Guides/Outfitters. No person or group may act as a hunting guide, outfitter or in any other capacity for which they are paid or promised to be paid directly or indirectly by any other individual or individuals for services rendered to any other person or persons hunting on any WMA, regardless of whether such payment is for guiding, outfitting, lodging or club memberships.

b. Except for licensed activities otherwise allowed by law, commercial activities are prohibited without a permit issued by the secretary of the LDWF.

c. Commercial Fishing. Permits are required of all commercial fishermen using Grassy Lake, Pomme de Terre and Spring Bayou WMAs. Gill nets or trammel nets and the take or possession of grass carp are prohibited on Spring Bayou WMA. Drag seines (except minnow and bait seines) are prohibited except experimental bait seines allowed on Dewey Wills WMA north of LA 28 in Diversion Canal. Commercial fishing is prohibited during regular waterfowl seasons on Grand Bay, Silver Lake and Lower Sunk Lake on Richard K. Yancey WMA. Commercial fishing is prohibited on Salvador/Timken, Ouachita and Pointe-aux-Chenes WMAs except commercial fishing on Pointe-aux-Chenes is allowed in Cut Off Canal and Wonder Lake. No commercial fishing activity shall impede navigation and no unattended vessels or barges will be allowed. Non-compliance with permit regulations will result in revocation of commercial fishing privileges for the period the license is issued and one year thereafter. Commercial fishing is allowed on Pass-a-Loutre and Atchafalaya Delta WMAs. See Pass-a-Loutre for additional commercial fishing regulations on mullet.

11. WMAs Basic Season Structure. For season dates, bag limits, shooting hours, special seasons and other information consult the annual regulations pamphlet for specific details.

12. Resident Small Game (squirrel, rabbit, quail, mourning dove, woodcock, snipe, rail and gallinule). Same as outside except closed during modern firearm either-sex deer seasons on certain WMAs (see WMA schedule) and except non-toxic shot must be used for rail, snipe, and gallinule. Consult regulations pamphlet. Unless otherwise specified under a specific WMA hunting schedule, the use of dogs for rabbit and squirrel hunting is prohibited. Spring squirrel season with or without dogs: first Saturday of May for nine days. Consult regulations pamphlet for specific WMAs.

13. Waterfowl (ducks, geese and coots). Consult regulations pamphlet. Hunting after 2 p.m. prohibited on all WMAs except for Atchafalaya Delta, Attakapas, Biloxi, Lake Boeuf, Pass-a-Loutre, Pointe-aux-Chenes, and

Salvador/Timken WMAs. Consult specific WMA regulations for shooting hours on these WMAs.

14. Archery. Consult regulations pamphlet.

15. Hogs. Feral hogs may be taken during any open hunting season on WMAs by properly licensed and/or permitted hunters using only guns or bow and arrow legal for specified seasons in progress, except take of hogs is prohibited during nighttime raccoon seasons. Hogs may not be taken with the aid of dogs, except feral hogs may be taken with the aid of dogs during the month of February on Attakapas, Bodcau, Clear Creek, Jackson-Bienville, Little River, Pass a Loutre, Pearl River/Sabine, Sabine Island, and West Bay WMAs by self-clearing permit. All hogs must be killed immediately and may not be transported live under any conditions, except as allowed by permit from either the Minden, Lake Charles, Monroe, Pineville, Hammond or Opelousas offices. During the February dog season hunters may use centerfire pistols in addition to using guns allowed for season in progress. Additionally, feral hogs may be taken on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador/Timken WMAs from February 16 through March 31 with archery equipment, shotguns loaded with buckshot or slugs or rimfire rifles no larger than .22 caliber. Additional requirements may be specified under individual WMAs, see regulation pamphlet.

16. Outlaw Quadrupeds and Birds. Consult regulations pamphlet. During hunting seasons specified on WMAs, except the turkey and spring squirrel seasons, take of outlaw quadrupeds and birds, with or without the use of electronic calls, is allowed by properly licensed hunters and only with guns or bows and arrows legal for season in progress on WMA. However, crows, blackbirds, grackles and cowbirds may not be taken before September 1 or after January 1. As described in 50 CFR Part 21, non-toxic shot must be used for the take of crows, blackbirds, cowbirds and grackles under the special depredation order. In addition an annual report has to be submitted to the U.S. Fish and Wildlife Service for those that participate in the take of these species.

17. WMAs Hunting Schedule and Regulations

a. Alexander State Forest. From December through February all hunters must check daily with the Office of Forestry for scheduled burning activity. No hunting or other activity will be permitted in burn units the day of the burning. Call (318) 487-5172 or (318) 487-5058 for information on burning schedules. Vehicles restricted to paved and graveled roads. No parking on or fishing or swimming from bridges. No open fires except in recreation areas.

b. Atchafalaya Delta. Water control structures are not to be tampered with or altered by anyone other than employees of LDWF. All-terrain vehicles, motorcycles, horses, and mules prohibited except as permitted for authorized WMA trappers. Mudboats or air-cooled propulsion engines powered by more than 36 total horsepower are prohibited on the WMA. Limited access area, no internal combustion engines allowed from September through January. See WMA map for specific locations.

c. Bayou Macon. All night activities prohibited except as otherwise provided.

d. Big Colewa Bayou. All nighttime activities prohibited.

e. Big Lake. Use of nets, yoyos, and trotlines prohibited on Big and Chain Lakes.

f. Biloxi. ATVs, UTVs, motorcycles, horses, and mules are prohibited. Mud boats or air-cooled propulsion vessels can only be powered by straight shaft "long tail" air-cooled mud motors that are 16 total horsepower or less on the WMA. All other types of mud boats or air cooled propulsion vessels (including "surface drive" boats) are prohibited. All ATVs, UTVs, and motorcycles are prohibited.

g. Bodcau-towable watersports not allowed in Ivan Lake. Nets and traps prohibited on Ivan Lake.

h. Camp Beauregard. Daily military clearance required for all recreational users. Retriever training allowed on selected portions of the WMA. Contact the LDWF field office for specific details.

i. Dewey W. Wills. Crawfish: 100 pounds per person per day. Limited access area, no motorized vessels or vehicles allowed from November through January.

j. Elbow Slough. Non-toxic shot (minimum size #6) only for all hunting. All motorized vehicles prohibited.

k. Elm Hall. No ATVs or UTVs allowed.

l. Fort Polk. Daily military clearance required to hunt or trap. New special regulations apply to ATV users.

m. Grassy Lake. Commercial Fishing: Permitted except on Smith Bay, Red River Bay and Grassy Lake proper on Saturday and Sunday and during waterfowl season. Permits available from area supervisor at Spring Bayou headquarters or Opelousas field office. No crawfishing traps or nets may be left overnight. No hunting in restricted area.

n. Joyce. Swamp walk: no loaded firearms or hunting allowed within 100 yards of walkways. Crawfish: 100 pounds per person per day.

o. Lake Boeuf. Hunting allowed until 12 noon on all game, except deer may be hunted until one-half hour after sunset. All nighttime activities prohibited. All-terrain vehicles, motorcycles, horses, and mules are prohibited.

p. Lake Ramsay. Foot traffic only; all vehicles restricted to parish roads.

q. Manchac. Crabs: no crab traps allowed. Attended lift nets are allowed.

r. Maurepas Swamp. No loaded firearms or hunting allowed within 100 yards of nature trail. Crawfish: 100 pounds per person per day. Benchmark closure: area closed to all deer hunting when USGS water level gauge CRMS 5373, available at <http://waterdata.usgs.gov/la/nwis/rt> is at or above 3.0 ft. msl.

s. Pass-a-Loutre. Commercial fishing: same as outside. Commercial mullet fishing open only in: South Pass, Pass-a-Loutre, North Pass, Southeast Pass, Northeast Pass, Dennis Pass, Johnson Pass, Loomis Pass, Cadro Pass, Wright Pass, Viveats Pass, Cognevich Pass, Blind Bay, Redfish Bay, Garden Island Bay, Northshore Bay, East Bay (west of barrier islands) and oil and gas canals as described on the LDWF Pass-a-Loutre WMA map. All ATVs, UTVs, motorcycles, horses, and mules prohibited on this area. Oyster harvesting is prohibited. Mudboats or air-cooled propulsion engines powered by more than 36 total horsepower are prohibited on the WMA. Operation of mud boats and air-cooled propulsion engines prohibited after 2 p.m. September through January. Limited access area, no

internal combustion engines allowed from September through January. See WMA map for specific locations.

t. Pearl River. All roads closed 8 p.m. to 4 a.m. to all vehicles. Old Hwy. 11 will be closed when river gauge at Pearl River, Louisiana, reaches 16.5 feet. All hunting except waterfowl will be closed when the river stage at Pearl River reaches 16.5 feet. No hunting in the vicinity of nature trail. Observe "No Hunting" signs. Rifle range open Friday, Saturday and Sunday with a fee. Crawfish: 100 pounds per person per day.

u. Peason Ridge. Daily military clearance required to hunt or trap. Special federal regulations apply to ATV users.

v. Pointe-aux-Chenes. Hunting until 12 noon on all game, except for mourning dove hunting and youth lottery deer hunt as specified in regulation pamphlet. Point Farm: gate will be open all weekends during month of February. No motorized vessels allowed in the drainage ditches. Recreational fishing: shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 pounds per boat per day (heads on) maximum shall be allowed. Size count to conform with open season requirements. During the inside closed season, 10 pounds per boat per day (heads on) may be taken for bait. All castnet contents shall be contained and bycatch returned to the water immediately. Oyster harvesting is prohibited. Fish may be taken only by rod and reel or hand lines for recreational purposes only. Crabs may be taken only through the use of hand lines or nets; however, none are to remain set overnight. Twelve dozen crabs maximum are allowed per boat or vehicle per day. Crawfish may be harvested in unrestricted portions of the WMA and shall be limited to 100 pounds per person per day. Fishing gear used to catch crawfish shall not remain set overnight. The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited. All boats powered by engines having total horsepower above 25 h.p. are not allowed in the Grand Bayou, Montegut and Pointe-aux-Chenes water management units. Public is permitted to travel anytime through the WMA for access purposes only, in the waterways known as Grand Bayou, Humble Canal, Little Bayou Blue, Grand Bayou Blue, St. Louis Canal and Bayou Pointe-aux-Chenes unless authorized by the LDWF. All other motorized vehicles, horses and mules are prohibited unless authorized by the LDWF. Limited access area, no internal combustion engines allowed from September through January. See WMA map for specific locations. All ATVs, UTVs, motorcycles, horses, and mules prohibited.

w. Pomme de Terre. Commercial fishing: permitted Monday through Friday, except closed during duck season. Commercial fishing permits available from area supervisor, Opelousas field office or Spring Bayou headquarters. Sport fishing: same as outside except allowed only after 2 p.m. only during waterfowl season. Crawfish: March 15-July 31, recreational only, 100 lbs. per person per day. No crawfishing traps or nets may be left overnight.

x. Richard K. Yancey. Recreational Crawfishing: west of the Mississippi River Levee March 15-July 31. 100 pounds per person per day. No traps or nets left overnight. No motorized watercraft allowed.

y. Russell Sage. Transporting trash or garbage on WMA roads is prohibited. All nighttime activities prohibited

except as otherwise provided. On Wham Brake, all nighttime activity prohibited during open waterfowl seasons. Internal combustion engines and craft limited to 10 h.p. rating or less in the Greentree Reservoirs. Waterfowl refuge: north of LA 15 closed to all hunting, fishing and trapping and ATV/UTV use during duck season including early teal season, except hunting allowed during waterfowl falconry season. Crawfish: 100 pounds per person per day limit. Night crawfishing prohibited. No traps or nets left overnight. All nighttime activities prohibited except as otherwise provided.

NOTE: All season dates on Chauvin Tract (U.S. 165 North) same as outside, except still hunt only and except deer hunting restricted to archery only. All vehicles including ATVs prohibited.

z. Sabine Island. Sabine Island boundaries are Sabine River on the west, Cut-Off Bayou on the north, and Old River and Big Bayou on the south and east.

aa. Salvador/Timken. Hunting until 12 noon only for waterfowl. Recreational fishing: Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 pounds per boat per day (heads on) maximum shall be permitted. Size count to conform with open season requirements. During the inside closed season, 10 pounds per boat per day (heads on) maximum may be taken for bait. All castnet contents shall be contained and bycatch returned to the water immediately. Fish may be taken only by rod and reel or hand lines for recreational purposes only. Crabs may be taken only through the use of hand lines or nets; however, none of the lines are to remain set overnight. Twelve dozen crabs maximum are allowed per boat or vehicle per day. Crawfish may be harvested in unrestricted portions of the WMA and shall be limited to 100 pounds per person per day. Fishing gear used to catch crawfish shall not remain set overnight. The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited. Use of mudboats powered by internal combustion engines with more than four cylinders is prohibited. Pulling boats over levees, dams or water control structures or any other activities which cause detriment to the integrity of levees, dams and water control structures is prohibited.

bb. Sandy Hollow. Bird dog training: consult regulation pamphlet. Wild birds only (use of pen-raised birds prohibited). Bird dog field trials: permit required from Hammond field office. Horseback riding: self-clearing permit required. Organized trail rides prohibited. Riding allowed only on designated roads and trails depicted on WMA map. Horses and mules are specifically prohibited during turkey and gun season for deer except as allowed for bird dog field trials. No horses and mules on green planted areas. Horse-drawn conveyances are prohibited.

cc. Sherburne. Crawfishing: recreational crawfishing only. Crawfish harvest limited to 100 pounds per person per day. No traps or nets left overnight. No motorized watercraft allowed on farm complexes. Retriever training allowed on selected portions of the WMA. Contact the Opelousas field office for specific details. Vehicular traffic prohibited on Atchafalaya River levee within Sherburne WMA boundaries. Rifle and pistol ranges open daily. Skeet ranges open by appointment only, contact hunter education office. No trespassing in restricted area behind ranges.

NOTE: Atchafalaya National Wildlife Refuge, and U.S. Army Corps of Engineers land holdings adjacent to the Sherburne

WMA will have the same rules and regulations as Sherburne WMA. No hunting or trapping in restricted area.

dd. Soda Lake. No motorized vehicles allowed. Bicycles allowed. All trapping and hunting prohibited except archery hunting for deer and falconry. Closed to fishing west of Twelve Mile Bayou from October 1-March 31.

ee. Spring Bayou. Commercial fishing: permitted Monday through Friday except slat traps and hoop nets permitted any day and except gill or trammel nets or the take or possession of grass carp are prohibited. Permits available from area supervisor or Opelousas field office. Closed until after 2 p.m. during waterfowl season. Sport fishing: same as outside except allowed only after 2 p.m. during waterfowl season. Crawfish: recreational only, limit 100 pounds per person per day. No hunting allowed in headquarters area. Only overnight campers allowed in the improved Boggy Bayou camping area. Rules and regulations posted at camp site. A fee is assessed for use of this campsite. Water skiing allowed only in Old River and Grand Lac.

ff. Sonny J. C. Gilbert. Fishing restricted to rod and reel, and pole fishing only. All other gear prohibited.

gg. Tangipahoa Parish School Board. No horseback riding during gun season for deer or turkey. ATVs/UTVs are not allowed except as otherwise specified.

hh. Thistlethwaite. All motorized vehicles restricted to improved roads only. All users must enter and leave through main gate only.

ii. Tunica Hills. Camping limited to tents only in designated area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115 and R.S. 56:116.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:1279 (July 1999), amended LR 26:1494 (July 2000), LR 27:1049 (July 2001), LR 28:1603 (July 2002), LR 29:1124 (July 2003), repromulgated LR 29:1522 (August 2003), amended LR 30:1495 (July 2004), LR 31:1611 (July 2005), LR 32:1251 (July 2006), LR 33:1382 (July 2007), LR 34:1429 (July 2008), LR 35:1264 (July 2009), LR 36:1566 (July 2010), LR 37:2190 (July 2011), LR 38:1732 (July 2012), LR 39:2292 (August 2013), LR 40:1540 (August 2014), LR 41:963 (May 2015), LR 42:

### **§113. General and WMA Turkey Hunting Regulations**

A. General Regulations. Only gobblers (male turkeys) may be taken. Taking of hen (female) turkeys, including bearded hens, is prohibited; still hunting only. Use of dogs, electronic calling devices and live decoys is illegal. Turkeys may be hunted with shotguns, including muzzleloading shotguns, using shot not larger than #2 lead, #2 non-toxic, or BB steel shot, and approved archery equipment but by no other means. Shooting turkeys from a moving or stationary vehicle is prohibited. Shotguns capable of holding more than three shells prohibited. The running of coyote with dogs is prohibited in all turkey hunting areas during the open turkey season. No person shall hunt, trap or take turkeys by the aid of baiting or on or over any baited area. Baiting means placing, exposing, depositing or scattering of corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed so as to constitute a lure, attraction or enticement to, on or over any areas where hunters are attempting to take turkeys. A baited area is any area where corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed capable of luring, attracting or enticing turkeys is directly or indirectly placed, exposed, deposited, distributed or scattered. Such areas remain baited areas for 15 days

following complete removal of all such corn, wheat or other grain, salt, or other feed. Wildlife agents are authorized to close such baited areas and to place signs in the immediate vicinity designating closed zones and dates of closures. No person hunting turkeys more than 200 yards from a baited area will be in violation of the turkey baiting regulation.

#### **B. Tags**

1. Prior to hunting turkeys, all turkey hunters, regardless of age or license status, must obtain turkey tags and have them in their possession while turkey hunting. Immediately upon killing a turkey, hunters must attach a carcass tag to the turkey before it is moved from the site of the kill and must document the kill on the turkey harvest report card. The date of kill and parish of kill must be recorded on the carcass tag. The tag must remain attached to the turkey while kept at camp or while it is transported to the domicile of the hunter or to a cold storage facility. Hunters who keep the carcass or meat at a camp must also comply with game possession tag regulations. Within seven days of the kill, the hunter must report the kill. Hunters may report turkeys by calling the validation phone number or using the validation website.

2. Turkey hunters purchasing licenses by phone or internet will be given an authorization number and a LDWF identification number that will serve as their license and tags until the physical license and tags arrive by mail. Turkey hunters who have purchased a license with tags, but have not yet received their physical license and tags, must immediately tag their kill with a possession tag before moving it from the site of the kill. The authorization number and LDWF identification number must be recorded on the possession tag. Hunters must retain documentation of any turkeys killed and upon receiving their physical tags and harvest report card, validate their kill as required in these regulations. The tags for turkeys killed prior to receiving the physical tags must be removed from the turkey harvest report card and discarded.

3. Tags removed from the turkey harvest report card prior to killing a turkey are no longer valid and if lost will not be replaced. Duplicate tags and turkey harvest report cards are available to replace lost report cards and attached tags. Hunters will be charged a fee for duplicate turkey harvest report cards and tags. Hunters that have killed a turkey prior to losing their remaining tag and harvest report card must remove and discard the duplicate tag to account for the original tag that was used and validated. Hunters must record any previously validated turkey on the duplicate turkey harvest report card.

C. Possession of Live Wild Turkeys. No person shall take live wild turkeys or their eggs from the wild. No person shall possess captive live wild turkeys, (*Meleagris gallopavo silvestris*, *M.g. osceola*, *M.g. intermedia*, *M.g. merriami*, *M.g. mexicana*) or their eggs, regardless of origin, without a valid game breeder license. No penraised turkeys from within or without the state shall be liberated (released) within the state.

D. Statewide Youth and Physically Challenged Season Regulations. Only youths 17 years of age or younger or hunters possessing a physically challenged hunter permit with wheelchair classification may hunt. Youth must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be

accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for youth younger than 16 years of age. Adults accompanying youth may not possess a firearm or bow. Youths may possess only one firearm or bow while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times, except properly licensed youths 16-17 years old and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Only one gobbler per day may be taken and any gobbler taken by the hunter during this special season counts towards their season bag limit of two.

E. Shooting Hours—one-half hour before sunrise to one-half hour after sunset.

F. Turkey Hunting Area Descriptions

1. Area A

a. All of the following parishes are open:

- i. Beauregard;
- ii. Bienville;
- iii. Claiborne;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

- iv. East Baton Rouge;
- v. East Feliciana;
- vi. Grant;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates;

- vii. Jackson;
- viii. LaSalle;
- ix. Lincoln;
- x. Livingston;
- xi. Natchitoches;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

xii. Pointe Coupee;

Exception: see Sherburne WMA for special season dates on all state, federal, and private lands within Sherburne boundaries.

xiii. Rapides;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

- xiv. Sabine;
- xv. St. Helena;
- xvi. Tangipahoa;
- xvii. Union;
- xviii. Vernon;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

- xix. West Baton Rouge;
- xx. West Feliciana (including Raccourci Island);
- xxi. Winn.

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

b. Portions of the following parishes are also open:

- i. Allen—north of US 190 east of Kinder, west of US 165 south of Kinder;
- ii. Avoyelles—that portion bounded on the east by the Atchafalaya River, on the north by Red River to the Brouillette Community, on the west by LA 452 from Brouillette to LA 1, on the south by LA 1, eastward to Hamburg, thence by the west Atchafalaya Basin protection levee southward;
- iii. Calcasieu—north of I-10;

iv. Caldwell—west of Ouachita River southward to Catahoula Parish line;

v. Catahoula—south and west of the Ouachita River from the Caldwell Parish line southward to LA 8 at Harrisonburg, north and west of LA 8 from Harrisonburg to the LaSalle Parish line, also that portion lying east of LA 15;

vi. Evangeline—north and west of LA 115, north of LA 106 west of LA 115 to US 167, west of US 167 south to LA 10, north of LA 10 west of US 167 to LA 13, west of LA 13 south of LA 10 to Mamou and north of LA 104 west of Mamou;

vii. Franklin—that portion lying east of LA 17 and east of LA 15 from its juncture with LA 17 at Winnsboro;

viii. Iberville—west of the Mississippi River;

Exception: see Sherburne WMA for special season dates on all state, federal and private lands within Sherburne boundaries.

ix. Jefferson Davis—north of US 190 from junction with LA 26 to Kinder, west of US 165 and north of I-10 west from junction of US 165;

x. Madison—that portion lying east of US 65 from East Carroll Parish line to US 80 and south of US 80. Also, all lands east of the main channel of the Mississippi River;

xi. Morehouse—west of US 165 from the Arkansas line to the junction of LA 140 at Bonita, north and west of LA 140 to junction of LA 830-4 (Cooper Lake Road), west of LA 830-4 to US 165 at Bastrop, south of US 165 to junction of LA 3051 (Grabault Road) south of LA 3051 to junction of LA 138, west of LA 138 to junction of LA 134, north of LA 134 to the Ouachita Parish line;

xii. Ouachita—all west of the Ouachita River. That portion east of the Ouachita River lying north of US 80;

xiii. Richland—that portion south of US 80 and east of LA 17;

xiv. St. Landry—that portion bounded on the west by the west Atchafalaya Basin Protection Levee and on the east by the Atchafalaya River;

Exception: the Indian Bayou area; see federal lands hunting schedule for Indian Bayou area dates.

xv. Upper St. Martin—all within the Atchafalaya Basin;

Exceptions: Sherburne WMA and Indian Bayou area, see WMA Turkey Hunting Schedule for special season dates on all state, federal and private lands within Sherburne WMA boundaries and see federal lands hunting schedule for Indian Bayou dates.

xvi. Tensas—that portion west of US 65 from the Concordia Parish line to its juncture with LA 128, north of LA 128 to St. Joseph; west and north of LA 605, 604 and 3078 northward to Port Gibson Ferry; also all lands east of the main channel of the Mississippi River.

2. Area B

a. All of the following parishes are open:

- i. Ascension;
- ii. Bossier;
- iii. DeSoto;
- iv. Red River;
- v. St. Tammany;
- vi. Washington;
- vii. Webster.

b. Portions of the following parishes are open:

- i. Caddo—all except that portion north of I-20 from the Texas state line to I-220, west of I-220 to LA 1.

west of LA 1 to Caddo Lake, south of Caddo Lake to the Texas state line;

ii. East Carroll—east of US 65 from Arkansas state line to Madison Parish line;

iii. Iberville—all east of the Mississippi River;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

3. Area C

a. All of the following parishes are open:

i. Concordia.

b. Portions of the following parishes are open:

i. Caldwell—all east of the Ouachita River;

ii. Catahoula—all of the parish except for that portion located in area A;

iii. Franklin—west of LA 17 from the Richland Parish line southward to Winnsboro, west of LA 15 southward to the Catahoula Parish line;

iv. Iberia—east of the west Atchafalaya Basin protection levee;

v. Richland—west of LA 17 from Franklin Parish line to Ringle Road, south of Ringle Road to Ferguson Road, south of Ferguson Road to Little Road, south of Little Road to Big Creek, east of Big Creek to Franklin Parish line;

vi. Tensas—east and south of US 65 from Concordia Parish line to LA 128, south of LA 128 to St. Joseph, east and south of LA 605, 604 and 3078 northward to Port Gibson Ferry.

4. Turkey season dates on wildlife management areas, national wildlife refuges, Kisatchie National Forest and U.S. Army Corps of Engineers land located within areas A, B, and C may vary from the season set for the parish in which they are located. Seasons for these lands are specified in LAC 76:XIX.115.

G. WMA Turkey Hunting Regulations

1. WMAs with youth turkey hunts are closed to all activities except turkey hunting by authorized youth hunt participants, shooting range use, and fishing on the day(s) of the youth hunt.

2. Self-Clearing Permits. All turkey hunts, including lottery hunts, are self-clearing. Hunters must check in daily by obtaining a permit from a self-clearing station prior to hunting. The self-clearing permit must be in the hunter's possession while hunting. Upon completion of each days hunt, the hunter must check out by completing and depositing the hunter report portion of the permit in the check-out box at a self-clearing station before exiting the WMA.

3. Lottery Hunts. All or portions of some WMA seasons are designated as lottery hunts and are restricted to hunters selected by pre-application lottery. To apply for these lottery hunts, a hunter must submit a completed official application form to the Baton Rouge office by the deadline printed on the application. A non-refundable fee of \$5 must be sent with each application. Applicants for WMA youth hunts must be 17 years of age or younger and at least 8 years old on the day of the hunt. Applicants may submit only one application and may be selected for only one spring WMA turkey lottery hunt annually, except, youths may also apply for the regular WMA turkey lottery. Submitting more than one application per lottery type will result in disqualification. Hunters must abide by self-clearing permit requirements. Hunters chosen for WMA lottery hunts may

be accompanied by one person. The person accompanying a lottery hunter shall not possess a firearm/bow or take a turkey, and must remain within a distance that allows normal voice contact with the lottery hunter at all times. Youths chosen for special youth only hunts may be assigned a guide on the day of the hunt provided that guides are available. One person may accompany the youth and guide, but may not hunt.

4. WMA Physically Challenged Hunt (wheelchair confined)—open only to hunters with a physically challenged hunter permit with wheelchair classification. During this hunt, ATVs may be used by hunters on all designated ATV trails in accordance with the physically challenged hunter permit. Hunters must abide by self-clearing permit requirements.

5. Rules Specific to Certain WMAs

a. Sandy Hollow. No turkey hunting within 100 yards of food plots identified by two yellow paint rings around the nearest tree.

b. Sherburne. All turkeys taken must be checked at the WMA headquarters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2263 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2375 (November 2002), LR 29:2512 (November 2003), LR 30:2874 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2469 (November 2007), LR 35:91 (January 2009), LR 35:2478 (November 2009), LR 36:2581 (November 2010), LR 37:3535 (December 2011), LR 38:2941 (November 2012), LR 40:96 (January 2014), LR 40:1554 (August 2014), LR 41:977 (May 2015), LR 42:

§115. Turkey Hunting Areas, Seasons, and Bag Limits

A. Daily limit is one gobbler. Season limit is two gobblers. Turkeys taken on WMAs are part of the season bag limit. Only one turkey may be taken during spring WMA lottery hunts.

B. Turkey season will open on the fourth Saturday in March. The area A turkey season will be 30 consecutive days in length, the area B turkey season will be 23 consecutive days in length, and the area C turkey season will be 16 consecutive days in length. Wildlife management areas, national forests, national wildlife refuges, and U.S. Army Corps of Engineers land may vary from this framework. Deviation from this framework may occur in those years when the fourth Saturday in March falls the day before Easter.

C. Statewide youth turkey and physically challenged season on private lands shall be the weekend prior to the start of the regular turkey season.

D. Only those wildlife management areas listed herein are open to turkey hunting. All other wildlife management areas are closed.

E. 2017 Turkey Hunting Schedule

Area	Season Dates
A	March 25-April 23
B	March 25-April 16
C	March 25-April 9
Private Lands Youth and Physically Challenged Hunter (Wheelchair Confined) Hunt	March 18-19

F. Wildlife Management Area Turkey Hunting Schedule

WMA	Non-Lottery Hunt Dates	Lottery Hunt Dates
Attakapas	March 25-April 2	None
Bayou Macon	None	April 15-16
Big Lake	March 25-April 9	None
Bodcau	March 25-April 9	None
Boeuf	March 25-April 9	None
Camp Beaugard	March 25-April 2	None
Clear Creek	April 3-23	March 25-26 April 1-3
Dewey Wills	None	March 25-26 April 1-2
Fort Polk-Vernon	March 25-April 23	None
Grassy Lake	March 25-April 2	None
Hutchinson Creek	March 25-April 23	None
Jackson-Bienville	March 25-April 9	None
Lake Ramsey	March 25-April 9	None
Little River	March 25-April 9	None
Pearl River	None	March 25-26
Peason Ridge	March 25-April 23	None
Pomme de Terre	April 19-April 23	None
Richard K. Yancey	March 25-April 9	None
Sabine	None	March 31-April 2 April 14-16
Sandy Hollow	March 25-April 9	None
Sherburne	April 17-19	April 15-16
Sicily Island	None	March 25-26 March 28-30 March 31-April 2 April 3-5 April 6-9
Tangipahoa Parish School Board	March 25-April 23	None
Tunica Hills	April 10-16	March 25-26 April 1-2 April 8-9
Walnut Hills	March 25-April 23	None
West Bay	None	March 25-26 April 1-2 April 8-9

G. Wildlife Management Area Lottery Youth Hunts

WMA/Ranger District	Lottery Youth Hunt Date
Clear Creek	March 18
Fort Polk-Vernon/Peason Ridge	March 18
Grassy Lake	March 18
Pearl River	March 18
Pomme de Terre	April 8-9
Richard K. Yancey	March 18-19
Sherburne	April 8
Sicily Island	March 18
Spring Bayou	April 8-9
Tunica Hills	March 18
West Bay	March 18

§117. Migratory Bird Seasons, Regulations, and Bag Limits

A. Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit	Possession Limit
Mourning and White Winged Doves and fully-dressed Eurasian and Collared Doves	South Zone: Sept. 3-11 Oct. 8-Nov. 27 Dec. 17-Jan. 15 North Zone: Sept. 3-25 Oct. 8-Nov. 13 Dec. 17-Jan. 15	15 (in aggregate)	45 (in aggregate)

H. Non-Lottery WMA Youth Hunts

1. Big Lake will be open March 18-19 (only youths may hunt).
2. Bodcau WMA will be open March 18-19 and April 15-16 (only youths may hunt).
3. Jackson-Bienville WMA will be open March 18-19 and April 15-16 (only youths may hunt).

I. Wildlife Management Area Physically Challenged (Wheelchair Confined) Hunt

1. Jackson-Bienville WMA will be open April 17-23 to holders of valid physically challenged hunter (wheelchair classification) permits.

J. Federal Lands Turkey Hunting Schedule

1. Kisatchie National Forest (KNF) turkey hunting schedule: (youth only) March 18-19 on all Ranger Districts (except Vernon Unit lands within Ft. Polk-Vernon WMA) Caney Ranger District, March 25-April 9; all remaining KNF lands, March 25-April 16 (including Catahoula and Red Dirt National Wildlife Management Preserves, except self-clearing permit required to hunt turkey on Catahoula and Red Dirt National Wildlife Management Preserves).

2. U.S. Army Corps of Engineers turkey hunting schedule: Indian Bayou area, March 18-19 youth and physically challenged lottery only hunt, and lottery hunt only on March 25-26 and April 1-2, and open April 8-9. Old River Control and Lock Areas, March 25-April 9.

3. National wildlife refuges: Bayou Cocodrie NWR, March 18-19(youth only); Bogue Chitto NWR, March 25-April 16, March 18-19 (youth only); Lake Ophelia NWR, March 18 (youth lottery only), March 25-April 9 hunt ends at 12 p.m. each day; Tensas NWR, March 18-19 (youth only), March 25-April 9; Upper Ouachita NWR, March 18 (youth lottery only).

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2264 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2376 (November 2002), LR 29:2512 (November 2003), LR 30:2875 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2470 (November 2007), LR 35:90 (January 2009), LR 35:2481 (November 2009), LR 36:2583 (November 2010), LR 37:3541 (December 2011), LR 38:2944 (November 2012), LR 40:99 (January 2014), LR 40:1556 (August 2014), LR 41:980 (May 2015), LR 42:

Species	Season Dates	Daily Bag Limit	Possession Limit
Woodcock	Dec. 18-Jan. 31	3	9
Teal (Blue-winged, Green-winged and Cinnamon)	Sept. 10-25	6	18
King and Clapper Rails	Sept. 10-25 Nov. 12-Jan. 4	15 (in aggregate)	45 (in aggregate)
Sora and Virginia Rails	Sept. 10-25 Nov. 12-Jan. 4	25 (in aggregate)	75 (in aggregate)
Gallinules	Sep. 10-25 Nov. 12-Jan. 4	15	45
Snipe	Coastal Zone: Nov. 2-Dec. 4 Dec. 17-Feb. 28 West Zone: Nov. 2-Dec. 4 Dec. 17-Feb. 28 East Zone: Nov. 2-Dec. 4 Dec. 17-Feb. 28	8	24
Ducks, Coots and Mergansers	Coastal Zone: Nov. 5-6 (youth only) Nov. 12-Dec. 4 Dec. 17-Jan. 22 West Zone: Nov. 5 (youth only) Nov. 12-Dec. 4 Dec. 17-Jan. 22 Jan. 28 (youth only) East Zone: Nov. 12 (youth only) Nov. 19-Dec. 4 Dec. 17-Jan. 29 Feb. 4 (youth only)	Daily bag limit on ducks is 6 and may include no more than 4 mallards (no more than 2 of which may be females), 2 canvasback, 1 mottled duck, 1 black duck, 3 wood ducks, 3 scaup, 2 redheads, and 2 pintails. Daily bag limit on coots is 15. Daily bag limit on mergansers is 5, only 2 of which may be hooded mergansers. Merganser limits are in addition to the daily bag limit for ducks.	Three times the daily bag limit.
Light Geese (Snow, Blue, and Ross') and White-Fronted Geese	North Zone: Nov. 12-Dec. 4 Dec. 17-Feb. 12 South Zone: Nov. 12-Dec. 4 Dec. 17-Feb. 12	Daily bag limit on Light Geese (snow, blue, and ross') is 20. Daily bag limit on White-Fronted Geese is 2.	No possession limit on Light Geese (snow, blue, and ross') Possession limit on White-Fronted Geese is 6.
Canada Geese	North Zone: Nov. 12-Dec. 4 Dec. 12-Jan. 31 South Zone: Nov. 12-Dec. 4 Dec. 17-Jan. 31	1	3

B. Conservation Order for Light Geese Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit	Possession Limit
Light Geese (Snow, Blue, and Ross')	North Zone: Dec. 5-16 Feb. 13-Mar. 12 South Zone: Dec. 5-16 Feb. 13-Mar. 12	No daily bag limit.	No possession limit.

C. Extended Falconry Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit
Mourning and White Winged Doves and fully-dressed Eurasian and Collared Doves		Falconry daily bag and possession limit for all permitted migratory game birds must not exceed 3 and 9 birds, respectively, singly or in aggregate, during the extended falconry seasons and regular hunting seasons.
Woodcock	Sept. 15-Oct. 1	
Rails and Gallinule	Nov. 2-Jan. 31	
Ducks	Nov. 2-Jan. 31	

#### D. Dove Hunting Regulations

1. Shooting hours one-half hour before sunrise to sunset except on opening day of the first split on Wildlife Management Areas and on fields leased through the LDWF experimental dove field leasing program, where hunting will be from 12 p.m. to sunset, except for elbow slough and Point-Aux-Chenes wildlife management areas which will be open one-half hour before sunrise to sunset.

2. There is no bag limit on Eurasian collared-doves or Ringed Turtle-doves provided that a fully feathered wing and head remain attached to the carcass of the bird. Fully dressed Eurasian collared-doves and ringed turtle doves (those without a fully feathered wing and dead naturally attached to the carcass) shall be included in the aggregate bag.

3. The following boundary divides the dove season zones: beginning at the Texas-Louisiana order on LA Hwy. 12; thence east along LA Hwy 12 to its intersection with U.S. Hwy 190; thence east along U.S. Hwy 190 to its intersection with I-12; thence east along I-12 to its intersection with I-10; then east along I-10 to the Mississippi state line.

E. Snipe Hunting Regulations. Shooting hours one-half hour before sunrise to sunset, except at the Spanish Lake recreation area in Iberia Parish where shooting hours, including the conservation end at 2 p.m.

F. Conservation Order for light geese. Only snow, blue, and Ross' geese may be taken under the terms of the conservation order. Electronic calls and unplugged shotguns allowed. No daily bag or possession limit. Shooting hours one-half hour before sunrise until one-half hour after sunset.

G. Canada Goose Season Closure. The Canada goose season will be open statewide except for a portion of southwest Louisiana described as follows: beginning at the Texas State Line, proceeding east along LA Hwy. 82 to the Calcasieu Ship Channel, then north along the Calcasieu Ship Channel to its junction with the Intracoastal Canal, then east along the Intracoastal Canal to its juncture with LA Hwy. 82, then south along LA Hwy. 82 to its juncture with Parish Road 3147, then south and east along Parish Road 3147 to Freshwater Bayou Canal, then south to the Gulf of Mexico, then west along the shoreline of the Gulf of Mexico to the Texas State Line, then north to the point of beginning at LA Hwy. 82. Open waters of Lake Arthur and the Mermentau River, from the Hwy 14 bridge southward, will also be closed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2264 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2376 (November 2002), LR 29:2512 (November 2003), LR 30:2875 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2470 (November 2007), LR 35:90 (January 2009), LR 35:2481 (November 2009), LR 36:2583 (November 2010), LR 37:3541 (December 2011), LR 38:2944 (November 2012), LR 40:99 (January 2014), LR 40:1556 (August 2014), LR 41:980 (May 2015), LR 42:

#### Family Impact Statement

In accordance with Act #1183 of 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues

its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

#### Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

#### Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

#### Public Comments

Interested persons may submit written comments relative to the proposed Rule until 4:30 p.m., Thursday, April 7, 2016 to Steve Smith, Wildlife Division, Department of Wildlife and Fisheries, P.O. Box 98000, Baton Rouge, LA 70898-9000. Comments will be accepted at regularly scheduled Wildlife and Fisheries Commission meetings from February through April.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent and the final Rule, including, but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Pat Manuel  
Chairman

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Resident Game Hunting Season

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The various proposed rule changes have no anticipated impact on state or local governmental units.

The proposed rule changes alter the geographical configuration of the Louisiana deer area system by transferring West Carroll Parish from the area currently designated Area 5 into Area 1. There will be some adjustments made to deer hunting season for West Carroll Parish, but those impacts are anticipated to be minimal. After this, portions of Iberia, Iberville, Saint Martin, and Saint Mary parishes from Area 9 will be transferred into a separate area that will become the new Area 5. The proposed rule changes also set the deer hunting seasons for the newly designated Area 5 for the 2016-2017 season and the 2017-2018 season. Because the seasons for Area 5 will be identical to those in the current Area 9, there will be no change in the deer hunting schedule in the area. Additionally, the proposed rule change alters the regulations for high water closures in portions of Iberia, Iberville, Saint Martin, and Saint Mary parishes. The closure benchmark level for a portion of the current closure area will be lowered from 18 feet to 15 feet. The proposed rule change also closes the Maurepas Swamp WMA deer season when the USGS water level gauge CRMS 5373 is at or above 3.0 feet mean sea level (msl).

The proposed rule changes state that camping on WMA is available on a first-serve basis except when otherwise specified and extends the length of leases for houseboats on the Atchafalaya Delta WMA from three to five years.

The proposed rule changes modify language pertaining to the ability to use certain watercraft and motor vehicles in various WMAs.

The proposed rule changes will also modify the methods, equipment, and dates regarding the hunting of feral hogs, nuisance rodents, and wild turkeys.

The proposed rule changes insert language for migratory bird seasons, regulations, and bag limits into Title 76, Part XIX, transfer language related to a waterfowl refuge and crawfish harvesting regulations from the Ouachita WMA to the Russell Sage WMA, and alters some technical language regarding small game and firearms.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is anticipated to have no impact on revenue collections of the state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change may have minimal economic impact on persons and non-governmental entities.

The proposed rule changes transferring West Carroll Parish into Area 1 will result in no change in the timing of the deer archery season in West Carroll Parish. It will have no change in the number of deer primitive firearms season in West Carroll Parish but will move the second portion of that season from late-January to mid-January. The proposed rule change will increase the number of all still-hunt deer hunting days in West Carroll Parish from 47 days to 65 days. The proposed rule changes specifying that West Carroll Parish as a still-hunt only area is a continuance of hunting regulations currently in place for West Carroll Parish and will thus have no effect on hunting opportunities.

The proposed rule change transferring portions of Iberia Parish, Iberville Parish, Saint Martin Parish, and Saint Mary Parish from Area 9 into a separate area now to be called Area 5 will have no immediate effect on deer-hunting opportunities in the area.

The proposed rule change lowering the benchmark water level from 18 feet to 15 feet for a portion of the current closure area in Iberia, Iberville, Saint Martin, and Saint Mary parishes will reduce hunting opportunities in the short-term because the area will be closed sooner under the proposed rules change than under the current rules. It will however protect long-term hunting opportunities by protecting the deer stock from potential over-harvesting during high-water episodes. These benefits are also applicable to the closure of the Maurepas Swamp WMA during periods of flooding.

The proposed rule change that extends the length of leases for houseboats on the Atchafalaya Delta WMA from three to five years may benefit leaseholders who obtain the leases. It may however reduce future opportunities for individuals to obtain houseboat leases if they become available less frequently as a result of the longer lease periods. In practice, however, this negative effect is expected to be very modest because mooring locations on the WMA are currently freely available.

The proposed rule change inserting language regarding migratory bird seasons, regulations, and bag limit into Title 76, Part XIX reflects changes in the state and federal regulatory mechanism for management of these species. It is not expected to result in a change in hunting opportunities for migratory birds.

The remaining proposed rule changes are expected to have negligible impact on directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of the proposed rule changes.

Bryan McClinton  
Undersecretary  
1601#059

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

# Potpourri

## POTPOURRI

### Department of Agriculture and Forestry Office of Forestry

#### Severance Tax Values for 2016

In accordance with LAC 7:XXXIX.105, the Louisiana Department of Agriculture and Forestry, Office of Forestry, hereby publishes the current average stumpage market value of trees, timber and pulpwood for 2016.

Product	Value Per Ton	Tax Rate	Tax Per Ton (2015)
Pine Sawtimber	\$31.58	2.25%	\$0.71
Hardwood Sawtimber	\$35.19	2.25%	\$0.79
Pine Chip-n-Saw	\$16.62	2.25%	\$0.37
Pine Pulpwood	\$9.46	5.00%	\$0.47
Hardwood Pulpwood	\$9.91	5.00%	\$0.50

Mike Strain, DVM  
Commissioner

1601#090

## POTPOURRI

### Department of Children and Family Services Division of Programs

#### Temporary Assistance for Needy Families (TANF) Caseload Reduction

The Department of Children and Family Services hereby gives notice that, in accordance with federal regulations at 45 CFR 261.40, the Temporary Assistance to Needy Families (TANF) caseload reduction report for Louisiana is now available to the public for review and comment.

In order to receive a caseload reduction credit for minimum participation rates, the agency must submit a report based on data from the Family Independence Temporary Assistance Program (FITAP) and the Strategies to Empower People Program (STEP) containing the following information:

1. a listing of, and implementation dates for, all state and federal eligibility changes, as defined at §261.42, made by the state after FY 2005;
2. a numerical estimate of the positive or negative impact on the applicable caseload of each eligibility change (based, as appropriate, on application denials, case closures, or other analyses);
3. an overall estimate of the total net positive or negative impact on the applicable caseload as a result of all such eligibility changes;
4. an estimate of the state's caseload reduction credit;
5. a description of the methodology and the supporting data that it used to calculate its caseload reduction estimates;
6. a certification that it has provided the public an appropriate opportunity to comment on the estimates and

methodology, considered their comments, and incorporated all net reductions resulting from federal and state eligibility changes; and

7. a summary of all public comments.

Copies of the TANF caseload reduction report may be obtained by writing Brandy Bonney, Department of Children and Family Services, P.O. Box 94065, Baton Rouge, LA 70804-9065, by telephone at (225) 342-4096, or via e-mail at brandy.morris.dcf@la.gov.

Written comments regarding the report should also be directed to Ms. Bonney. These must be received by close of business on February 19, 2016.

Suzy Sonnier  
Secretary

1601#062

## POTPOURRI

### Department of Environmental Quality Office of Environmental Services Water Permits Division

#### Notice of Public Hearing and Request for Comments to Initiate Triennial Review of Louisiana Water Quality Standards

In accordance with section 303(c)(1) of the federal Clean Water Act, the Louisiana Department of Environmental Quality hereby gives notice of its intent to initiate a triennial review of Louisiana's water quality standards (WQS), which can be found in LAC 33:IX.Chapter 11. This review is being conducted to evaluate the need to update or revise the WQS in order to remain consistent with state and federal law. The review will also ensure that Louisiana's WQS continue to reflect the best available science and support sound water quality management policies to improve and protect the water resources of the state. This is a preliminary step in the review and potential rulemaking process. Official rulemaking, if necessary, will be initiated after review and consideration of the comments received. (1601Pot1)

With this notice, the department is soliciting comments from interested parties, including members of the public, on any aspect of the WQS that the department should consider for potential revision. Persons commenting should reference this Potpourri notice, 1601Pot1. A public hearing will be held on March 30, 2016, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 North Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend the public hearing and submit oral comments on any aspect of the WQS they would like the department to consider. Interested persons may also submit written comments through postal mail or e-mail. Comments should include the name of the commenter and the organization which they represent, if appropriate. Comments are due no later than 4:30 p.m., March 30, 2016. Written comments may be sent through postal mail to Sandy Stephens, Department of Environmental Quality, Office of

Environmental Services, Water Permits Division, P.O. Box 4314, Baton Rouge, LA 70821-4314. Electronic comments may be submitted via e-mail to [wq\\_standards@la.gov](mailto:wq_standards@la.gov).

Written responses to the comments will not be provided. Progress on the triennial review will be communicated to the public through the Water Permits Division, Water Quality Standards and Assessment webpage, (<http://www.deq.louisiana.gov/portal/DIVISIONS/WaterPermits/WaterQualityStandardsAssessment.aspx>). Any proposed revisions to the WQS resulting from the review will be subject to the rulemaking provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Herman Robinson  
General Counsel

1601#022

## POTPOURRI

### Office of the Governor Coastal Protection and Restoration Authority

Deepwater Horizon Oil Spill: Final Phase V Early Restoration Plan and Environmental Assessment

#### **ACTION:**

Notice of Availability of Final Early Restoration Plan

#### **SUMMARY:**

In accordance with the Oil Pollution Act of 1990 (OPA), the Louisiana Oil Spill Prevention and Response Act (OSPPRA), the National Environmental Policy Act (NEPA), and the Framework Agreement for Early Restoration Addressing Injuries Resulting from the *Deepwater Horizon* Oil Spill, notice is hereby given that the federal and state natural resource trustee agencies (trustees) have approved the Phase V Early Restoration Plan and Environmental Assessment (Phase V ERP/EA) describing the first phase of an early restoration project (Florida Coastal Access Project)<sup>1</sup> intended to continue the process of restoring natural resources and services injured or lost as a result of the *Deepwater Horizon* oil spill, which occurred on or about April 20, 2010, in the Gulf of Mexico. The trustees have selected the first phase of the Florida Coastal Access Project, which is consistent with the early restoration program alternatives selected in the Final Phase III Early Restoration Plan/Programmatic Environmental Impact Statement (Phase III ERP/PEIS). The Phase V ERP/EA also includes notices of change and supporting analyses for two Phase III Early Restoration Projects, “Strategically Provided Boat Access Along Florida’s Gulf Coast—City of Port St. Joe, Frank Pate Boat Ramp Improvements” and “Florida Artificial Reef Creation and Restoration”. The purpose of this notice is to inform the public of the availability of the Final Phase V ERP/EA.

#### **ADDRESSES:**

Obtaining the Document: You may download the Final Phase V ERP/EA at <http://la-dwh.com/EarlyRestorationPlanning.aspx> and <http://www.gulfspillrestoration.noaa.gov>. Alternatively, you may request a CD of the document (see “For Further Information Contact” section below). You may

also review copies of the document at the public facilities listed at <http://la-dwh.com/EarlyRestorationPlanning.aspx> and <http://www.gulfspillrestoration.noaa.gov>.

#### **FOR FURTHER INFORMATION CONTACT:**

Nanciann Regalado at (404) 679-4161 or [nanciann\\_regalado@fws.gov](mailto:nanciann_regalado@fws.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **Introduction**

On or about April 20, 2010, the mobile offshore drilling unit *Deepwater Horizon*, which was being used to drill a well for BP Exploration and Production, Inc. (BP) in the Macondo prospect (Mississippi Canyon 252—MC 252), experienced a significant explosion, fire, and subsequent sinking in the Gulf of Mexico, resulting in an unprecedented volume of oil and other discharges from the rig and from the wellhead on the seabed for a period of over three months. The *Deepwater Horizon* Oil Spill is the largest oil spill in U.S. history, discharging millions of barrels of oil over a period of 87 days. In addition, well over 1,000,000 gallons of dispersants were applied to the waters of the spill area in an attempt to disperse the spilled oil. An undetermined amount of natural gas was also released into the environment as a result of the spill.

The trustees are conducting the natural resource damage assessment for the *Deepwater Horizon* oil spill under the Oil Pollution Act 1990 (OPA; 33 U.S.C. 2701 et seq.). Pursuant to OPA, federal and state agencies and Indian tribes may act as trustees on behalf of the public to assess natural resource injuries and losses, and to determine the actions required to compensate the public for those injuries and losses. OPA further instructs the designated trustees to develop and implement a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent of the injured natural resources under their trusteeship, including the loss of use and services from those resources from the time of injury until the time of restoration to baseline (the resource quality and conditions that would exist if the spill had not occurred) is complete. For the *Deepwater Horizon* oil spill, designated trustees in four Federal agencies and all five Gulf States—Alabama, Florida, Louisiana, Mississippi, and Texas—have been working together to assess natural resource injuries and prepare a series of restoration plans described below.

The trustees are:

- U.S. Department of the Interior (DOI), as represented by the National Park Service, U.S. Fish and Wildlife Service, and Bureau of Land Management;
- National Oceanic and Atmospheric Administration (NOAA), on behalf of the U.S. Department of Commerce;
- U.S. Department of Agriculture (USDA);
- U.S. Environmental Protection Agency (USEPA);
- state of Louisiana Coastal Protection and Restoration Authority, Oil Spill Coordinator’s Office, Department of Environmental Quality, Department of Wildlife and Fisheries, and Department of Natural Resources;
- state of Mississippi Department of Environmental Quality;

- state of Alabama Department of Conservation and Natural Resources and Geological Survey of Alabama;
- state of Florida Department of Environmental Protection and Fish and Wildlife Conservation Commission; and
- for the state of Texas: Texas Parks and Wildlife Department, Texas General Land Office, and Texas Commission on Environmental Quality.

### Background

In the April 20, 2011 framework agreement, BP agreed to provide to the trustees up to \$1 billion toward early restoration projects in the Gulf of Mexico to address injuries to natural resources caused by the *Deepwater Horizon* oil spill. The framework agreement represents a preliminary step toward the restoration of injured natural resources and is intended to expedite the start of restoration in the Gulf in advance of the completion of the injury assessment process. The framework agreement provides a mechanism through which the trustees and BP can work together “to commence implementation of early restoration projects that will provide meaningful benefits to accelerate restoration in the Gulf as quickly as practicable” prior to the resolution of the trustees’ natural resource damages claim. Early restoration is not intended to and does not fully address all injuries caused by the *Deepwater Horizon* oil spill. Restoration beyond early restoration projects will be required to fully compensate the public for natural resource losses, including recreational use losses, from the *Deepwater Horizon* oil spill.

A notice of availability of the Draft Phase V Early Restoration Plan and Environmental Assessments (Draft Phase V ERP/EAs) was published in the *Louisiana and Federal Registers* on November 20 and December 1, 2015, respectively. The trustees provided the public with a 30-day period to review the Draft Phase V ERP/EA, and held one public meeting in Panama City, FL. The trustees considered the public comments received, which informed the trustees’ analyses and selection of the early restoration project in the final Phase V ERP/EA. A summary of the public comments received, and the Trustees’ responses to those comments, are addressed in chapter 4 of the final Phase V ERP/EA.

In four previous phases, the trustees selected, and BP agreed to fund, a total of 64 early restoration projects expected to cost a total of approximately \$832 million. The trustees selected these projects after public notice, public meetings, and consideration of public comments, through the Phase I Early Restoration Plan/Environmental Assessment (Phase I ERP/EA), Phase II Early Restoration Plan/Environmental Review (Phase II ERP/ER), the Programmatic and Phase III Early Restoration Plan and Early Restoration Programmatic Environmental Impact Statement (Phase III ERP/PEIS), and the Phase IV Early Restoration Plan/Environment Assessments (Phase IV ERP/EA).

The trustees released the Phase I ERP/EA on April 20, 2012 and the Phase II ERP/ER on February 5, 2013. The Trustees released the Phase III ERP/PEIS on June 26, 2014, and subsequently approved that plan and programmatic EIS in a record of decision on October 31, 2014. The Trustees released the Phase IV ERP/EA on September 23, 2015.

These plans are available at: <http://www.gulfspillrestoration.noaa.gov/restoration/early-restoration/> and <http://la-dwh.com/earlyrestorationplanning.aspx>.

### Overview of the Draft Phase V ERP/EA

The Final Phase V ERP/EA is being released in accordance with OPA, the natural resource damage assessment (NRDA) regulations found in the *Code of Federal Regulations* (CFR) at 15 CFR 990, the National Environmental Policy Act (42 U.S.C. 4321 et seq.), and the Framework for Early Restoration Addressing Injuries Resulting from the *Deepwater Horizon* Oil Spill. The trustees approved the first phase of the Florida Coastal Access Project in the Phase V ERP/EA. The total estimated cost for the first phase of the Florida Coastal Access Project is \$34,372,184, and the total estimated cost of the entire Florida Coastal Access Project is \$45,415,573. The trustees may propose in an additional future phase similar restoration activities that would utilize the remaining \$11,043,389, if approved. Details on the first phase of the Florida Coastal Access Project are provided in the Phase V ERP/EA.

The first phase of the Florida Coastal Access Project is intended to continue the process of using early restoration funding to restore natural resources, ecological services, and recreational use services injured or lost as a result of the *Deepwater Horizon* oil spill. The Trustees considered hundreds of projects leading to the identification of the Florida Coastal Access Project and considered both ecological and recreational use restoration projects to restore injuries caused by the *Deepwater Horizon* oil spill, addressing both the physical and biological environment, as well as the relationship people have with the environment. The Phase V ERP/EA also includes notices of change and supporting analysis for two Phase III Early Restoration Projects: “Strategically Provided Boat Access Along Florida’s Gulf Coast—City of Port St. Joe, Frank Pate Boat Ramp Improvements” and “Florida Artificial Reef Creation and Restoration.”

### Administrative Record

The documents comprising the administrative record can be viewed electronically at the following locations:

- <http://www.doi.gov/deepwaterhorizon/adminrecord>; or
- <http://la-dwh.com/AdminRecord.aspx>.

### Authority

The authority of this action is the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), the implementing natural resource damage assessment regulations found at 15 CFR 990, the Louisiana Oil Spill Prevention and Response Act [R.S. §§30:2451-2496 (2010)], and the implementing Natural Resource Damage Assessment Regulations found at *La. Admin. Code* 43:101 et seq.

<sup>1</sup>The proposed Florida Coastal Access Project would proceed in phases. The additional future phase may consist of similar restoration activities and shall be identified and selected by the Trustees in the same manner and using the same criteria as described in the Draft Phase V ERP/EA and in accordance with OPA, NEPA, and other applicable laws, and after public review of the proposed action.

Kyle Graham  
Executive Director

1601#045

**POTPOURRI**  
**Office of the Governor**  
**Division of Administration**  
**Office of Facility Planning and Control**

Contract Limit Adjustment

Pursuant to authority granted by Act 759 of the Regular Session of 2014, the Office of Facility Planning and Control within the Division of Administration has determined that, effective upon the date of this publication, except as provided in paragraphs (2) and (3) of R.S. 38:2212(C), the term "contract limit" as used in chapter 10 of title 38 (Public Bid Law) shall be equal to the sum of \$152,400 per project, including labor, materials, and equipment as per the rates in the latest edition of the *Associated Equipment Dealers Rental Rate Book* and administrative overhead not to exceed 15 percent. This limit was adjusted after applying the annual percentage increase in the Consumer Price Index in the preceding year.

It is the responsibility of the approving authority to comply with all applicable requirements of R.S. 38:2212 in regards to the "contract limit" as adjusted herein.

Mark A. Moses  
Director

1601#001

**POTPOURRI**  
**Office of the Governor**  
**Real Estate Appraisers Board**

Public Hearing—Substantive Changes to Proposed Rule  
Prohibited Activities (LAC 46:LXVII.30701)

The Louisiana Real Estate Appraisers Board published a Notice of Intent in the *Louisiana Register* on November 20, 2015, to amend Chapters 307 (Prohibited Activities), 309 (Disciplinary Authority; Enforcement and Hearings), and 311 (Compensation of Fee Appraisers). The notice invited interested parties to submit written comments. After a thorough review and careful consideration of the received comments, the board proposes to amend certain portions of the proposed rules: amend §30701.A.9 to provide for language that is conducive to the requirements of the Uniform Standards of Professional Appraisal Practice (USPAP), which are the generally accepted standards for professional real estate appraisal practice in North America. No fiscal or economic impact will result from the amendments proposed in this notice.

**Title 46**  
**PROFESSIONAL AND OCCUPATIONAL STANDARDS**  
**Part LXVII. Real Estate**  
**Subpart 3. Appraisal Management Companies**  
**Chapter 307. Prohibited Activities**  
**§30701. Improper Influence**

A. - A.6 ...

7. committing an act or practice that impairs, or attempts to impair, an appraiser's independence, objectivity or impartiality;

8. making referrals to Louisiana appraisers for appraisal services during any period in which the appraisal management company license has expired; or

9. requiring an appraiser to indemnify it or hold it harmless from any liability, damage, losses or claims arising out of the services provided by it. This prohibition shall not preclude indemnification agreements for services performed by the appraiser.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3415.1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Appraisers Board, LR 37:2408 (August 2011), amended LR 42:

**Public Hearing**

In accordance with the provisions of the Administrative Procedure Act, specifically R.S. 49:968(H)(2), the board gives notice of a public administrative hearing to receive additional comments on the substantive amendment to the proposed rules. The hearing will be held at 9 a.m. on Wednesday, February 24, 2016, at the office of the Louisiana Real Estate Appraisers Board, 9071 Interline Avenue, Baton Rouge, LA, or comments may be submitted to Ryan Shaw, Louisiana Real Estate Commission, P.O. Box 14785, Baton Rouge, LA 70898-4785 or 9071 Interline Avenue, Baton Rouge, LA 70809, by 9 a.m. on Tuesday, February 24, 2016.

Bruce Unangst  
Executive Director

1601#040

**POTPOURRI**  
**Department of Health and Hospitals**  
**Emergency Response Network Board**

LERN Destination Protocol: TRAUMA

On December 10, 2015, the Louisiana Emergency Response Network Board [R.S. 40:2842(1) and (3)] adopted and promulgated "LERN Destination Protocol: TRAUMA" replacing the "LERN Destination Protocol: Trauma" adopted and promulgated November 20, 2014, as follows:

Call LERN Communication Center at (866) 320-8293 for patients meeting the following criteria:

<ul style="list-style-type: none"> <li>• Unmanageable airway</li> <li>• Tension pneumothorax</li> <li>• Traumatic cardiac arrest</li> <li>• Burn patient without patent airway</li> <li>• Burn patient &gt; 40 % BSA without IV</li> </ul>	Yes→	<b>Closest ED/Trauma Center</b>
↓No		
<b>Measure vital signs and level of consciousness</b>		
<ul style="list-style-type: none"> <li>• GCS ≤13</li> <li>• SBP &lt;90mmHg</li> <li>• RR &lt;10 or &gt;29 breaths per minute, or need for ventilator Support (&lt;20 in infant aged &lt;1 year)</li> </ul>	Yes→	<b>Transport to Trauma Center/ Trauma Program</b> These patients should be transported to the highest level of care within the defined trauma system. This is a Level 1 or a Level 2 Trauma Center or Trauma Program. <i>* If distance or patient condition impedes transport to trauma facility, consider transport to most appropriate resourced hospital.</i>
↓No		
<b>Assess anatomy of injury</b>		
<ul style="list-style-type: none"> <li>• All penetrating injuries to head, neck, torso, and extremities proximal to elbow or knee</li> <li>• Chest wall instability or deformity (e.g. flail chest)</li> <li>• Two or more proximal long-bone fractures</li> <li>• Crushed, degloved, mangled, or pulseless extremity</li> <li>• Amputation proximal to wrist or ankle</li> </ul> Pelvic fractures <ul style="list-style-type: none"> <li>• Open or depressed skull fracture</li> <li>• Paralysis</li> <li>• Fractures with neurovascular compromise (decreased peripheral pulses or prolonged capillary refill, motor or sensory deficits distal to fracture)</li> </ul>	Yes→	<b>Transport to Trauma Center/ Trauma Program</b> These patients should be transported to the highest level of care within the defined trauma system. This is a Level 1 or a Level 2 Trauma Center or Trauma Program. <i>* If distance or patient condition impedes transport to trauma facility, consider transport to most appropriate resourced hospital.</i>
↓No		
<b>Assess mechanism of injury and evidence of high-energy impact</b>		
<ul style="list-style-type: none"> <li>• <b>Falls</b> <ul style="list-style-type: none"> <li>-Adults: &gt;20 feet (one story is equal to 10 feet)</li> <li>-Children: &gt;10 feet or two or three times the height of the child</li> </ul> </li> <li>• <b>High-risk auto crash</b> <ul style="list-style-type: none"> <li>- Intrusion, including roof: &gt; 12 inches occupant site; &gt; 18 inches any site</li> <li>- Ejection (partial or complete) from automobile</li> <li>- Death in the same passenger compartment</li> <li>- Vehicle telemetry data consistent with a high risk of injury</li> </ul> </li> <li>• <b>Auto vs. pedestrian/bicyclist/ATV thrown, run over, or with significant (&gt;20 mph) impact</b></li> <li>• <b>Motorcycle crash &gt;20mph</b></li> </ul>	Yes→	<b>Transport to Trauma Center/Trauma Program</b> which, depending upon the defined trauma system, need not be the highest level trauma center/program. If no Trauma Center/Trauma Program in the region, LCC may route to the most appropriate resourced hospital.
↓No		
<b>Assess special patient or system considerations</b>		
<ul style="list-style-type: none"> <li>• <b>Older Adults</b> <ul style="list-style-type: none"> <li>-Risk of injury/death increases after age 55 years</li> <li>-SBP &lt;110 may represent shock after age 65</li> <li>-Low impact mechanisms (e.g. ground level falls) may result in severe injury</li> </ul> </li> <li>• <b>Children</b> <ul style="list-style-type: none"> <li>- Should be triaged preferentially to pediatric capable trauma centers</li> </ul> </li> <li>• <b>Anticoagulants and bleeding disorders</b> <ul style="list-style-type: none"> <li>-Patients with head injury are at high risk for rapid deterioration</li> </ul> </li> <li>• <b>Burns</b> <ul style="list-style-type: none"> <li>-With trauma mechanism: triage to trauma center</li> </ul> </li> <li>• <b>Pregnancy &gt;20 weeks</b></li> <li>• Hip Fractures (hip tenderness, deformity, lateral deviation of foot) excluding isolated hip fractures from same level falls</li> <li>• Major joint dislocations (hip, knee, ankle, elbow)</li> <li>• Open Fractures</li> <li>• <b>EMS provider judgment</b></li> </ul>	Yes→	<b>Transport to Trauma Center/Trauma Program</b> or hospital capable of timely and thorough evaluation and initial management of potentially serious injuries. Consider consultation with medical control.
↓No		
<b>Multi / Mass Casualty Incident</b>		No→ <b>Transport according to protocol</b>

When in doubt, transport to a trauma center.

Paige Hargrove  
Executive Director

**POTPOURRI**

**Department of Natural Resources  
Office of Conservation**

**Orphaned Oilfield Sites**

Office of Conservation records indicate that the oilfield sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared orphaned oilfield sites.

Operator	Field	District	Well Name	Well Number	Serial Number
Mutual Oil Co.	Wildcat-No LA Shreveport Dist	S	Raines	010	7919
Windfohr Oil Company	Port Barre	L	W L Thompson	001	151711
Frank F. Bryant et al	Red River-Bull Bayou	S	Jenkins	011	41712
Rowe Oil Co.	Wildcat-No LA Shreveport Dist	S	Raines	002	709
D. C. Carnes	Caddo Pine Island	S	Crystal Oil and Refining Co	028	50006
Pharaoh Oil and Gas, Inc.	Phoenix Lake	L	PXL A 1 NVU;E W Brown Jr	002	40447
Pharaoh Oil and Gas, Inc.	Phoenix Lake	L	E W Brown Jr SWD	001	42246
Pharaoh Oil and Gas, Inc.	Phoenix Lake	L	E W Brown Jr	026	48102
Pharaoh Oil and Gas, Inc.	Phoenix Lake	L	PXL A 1 NVU;E W Brown Jr	029	49219

Operator	Field	District	Well Name	Well Number	Serial Number
Pharaoh Oil and Gas, Inc.	Phoenix Lake	L	E W Brown Jr	034	50012
Pharaoh Oil and Gas, Inc.	Phoenix Lake	L	E W Brown Jr	036	50459
Pharaoh Oil and Gas, Inc.	Phoenix Lake	L	E W Brown Jr	037	51061
Pharaoh Oil and Gas, Inc.	Lunita	L	Sonat Minerals Inc	001	207955
Pharaoh Oil and Gas, Inc.	Lunita	L	Sonat Minerals Inc	002	209056
Pharaoh Oil and Gas, Inc.	Phoenix Lake	L	E W Brown Jr	040	213772
Pharaoh Oil and Gas, Inc.	Phoenix Lake	L	E W Brown Jr	041	213773
Pharaoh Oil and Gas, Inc.	Phoenix Lake	L	PXL A 1 NVU;E W Brown Jr	042	214088
Beavers and Wright Oil Co.	Tullos Urania	M	Justiss-Mears	001	127863
Vinton Petroleum Co of Texas	Vinton	L	Harmony	013	8174
J. W. Bailey	Caddo Pine Island	S	Ark Fuel Oil	B-16	39587
Texas Crude Oil Co.	Wildcat-So LA Houma Dist	L	City of New Orleans	001	56354
Unknown	La Place	L	Godchaux Sugars Inc	002	990481

James H. Welsh  
Commissioner

1601#021



		Location:					Location:		
LAC				LR 41	LAC			LR 41	
Title	Part #.Section #	Action	Month	Page#	Title	Part #.Section #	Action	Month	Page#
40	I.2519	Repromulgated	Sept.	1774	46	LXI.1701	Amended	Dec.	2690
	I.5507	Amended	Mar.	560		LXII.Chapters 1-19	Adopted	Nov.	2340
	I.5515	Amended	Dec.	2692		LXIII.102,901,902	Adopted	Dec.	2617
	I.5534	Adopted		2691		LXIII.105,601,603,701,705,709,1101,1301	Amended	Dec.	2617
						LXIII.811	Amended	Dec.	2617
42	III.113	Adopted	Oct.	2176		LXIII.1503,1901,2103	Amended	Dec.	2617
	III.120	Amended	Oct.	2176		LXIII.Chapters 31-43	Adopted	Dec.	2621
	III.1701	Amended	Aug.	1496		LXVII.10301-10303,10308-10313,10417	Amended	Feb.	368
	III.2108	Amended	Aug.	1497		LXVII.10307	Repealed	Feb.	368
	III.2109	Amended	Aug.	1497		LXIX.101,103,107,109,111,112,113,115	Amended	Sept.	1674
	III.2114	Amended	Aug.	1498		LXIX.117,301,503,505	Amended	Sept.	1674
	III.2721	Amended	Aug.	1495		LXXXV.303	Amended	Oct.	2151
	III.2737	Amended	Aug.	1494	48	I.Chapter 44	Repealed	Apr.	685
	III.2915	Amended	Aug.	1494		I.Chapter 44	Adopted	Apr.	685
	III.2955	Amended	Aug.	1497		I.4929	Amended	Oct.	2152
	III.4204	Amended	Aug.	1497		I.Chapter 50	Amended	Dec.	2638
	XI.2405	Amended	Aug.	1498		I.Chapter 51	Adopted	Dec.	2638
	XI.2424	Amended	Aug.	1498		I.5237,5247,5257,12501,12503	Amended	Jan.	133
43	I.Chapter 8	Repealed	Dec.	2608		I.Chapters 53-54	Adopted	Jan.	101
	I.Chapters 9-11	Repealed	Sept.	1724		I.Chapters 56-57	Adopted	Sept.	1681
	I.1515	Amended	Nov.	2373		I.Chapter 60	Amended	Oct.	2153
	I.1509	Amended	Jan.	150		I.Chapter 62	Amended	July	1292
	V.Chapters 5-9	Repromulgated	Sept.	1724		I.Chapter 68	Adopted	June	1086
	VII.Chapters 1,3	Repromulgated	Dec.	2608		I.Chapters 68,88	Repealed	June	1086
	XIX.Chapter 1	Amended	May	951		I.Chapter 74	Repealed	Sept.	1681
	XIX.118	Amended	Nov.	2379		1.7801,7803,7811,7813,7815,7817,7819	Amended	Dec.	2643
	XIX.137	Repromulgated	June	1120		1.7821,7831,7833,7843,7845,7847,7849	Amended	Dec.	2643
	XIX.507	Amended	May	951		1.7823,7825,7832,7835,7837	Adopted	Dec.	2643
	XIX.Chapter 7	Amended	Nov.	2375		1.7851,7861	Amended	Dec.	2643
	XIX.Chapter 47	Adopted	Nov.	2373		1.9501	Amended	Aug.	1488
46	XIX.Chapter 13	Amended	Sept.	1664		I.Chapter 125	Amended	Dec.	2636
	XXI.1103	Amended	Feb.	334		I.12508	Adopted	Jan.	133
	XXI.1303	Adopted	Feb.	335		I.Chapters 191,193,195	Adopted	Jan.	137
	XXIX.119	Adopted	Mar.	536		I.19119	Adopted	May	950
	XXXIII.Chapter 1	Amended	July	1284		I.Chapter 201	Amended	Feb.	385
	XXXIII.504	Repealed	July	1284		III.Chapter 5	Repealed	Sept.	1681
	XXXIII.504	Adopted	July	1284		IX.334	Adopted	Jan.	146
	XXXIII.508	Amended	July	1284		IX.Chapter 7	Amended	Aug.	1490
	XXXIII.1607	Amended	July	1283	49	I.Chapter 13	Adopted	Dec.	2657
	XL.Chapter 1-7	Amended	May	919		I.1349	Repealed	Dec.	2657
	XL.303	Amended	Aug.	1487	50	I.Chapters 31-40	Amended	May	928
	XL.309,501	Repromulgated	Nov.	2339		I.3101,3103,3105,3107,3109,3501,3503	Amended	Nov.	2362
	XLV.408,7501,7503,7505,7507,7509,7513	Amended	Oct.	2144		I.3303,3305,3723,3725,3727,3729,3731	Repealed	May	928
	XLV.1521,4505,4506,4511	Amended	May	925		I.3507,3509,3705	Amended	Nov.	2362
	XLV.Chapters 19 and 49	Amended	Oct.	2136		I.3711,3713	Adopted	May	928
	XLV.1923,1925,1927,1929,1941,1942	Repealed	Oct.	2136		I.3733,3735,3737,3743	Repealed	May	928
	XLV.1953	Repealed	Oct.	2136		II.10156	Amended	July	1289
	XLV.1955,4921,4927	Adopted	Oct.	2136		II.20005	Amended	Apr.	707
	XLV.4929,4931	Repromulgated	Oct.	2136		II.20005	Amended	May	949
	XLV.4512	Adopted	May	925		II.20021	Amended	Jan.	133
	XLV.7510	Adopted	Oct.	2144		III.505	Adopted	Aug.	1489
	XLV.7603	Amended	Oct.	2146		III.2305	Adopted	June	1118
	XLV.7603	Repromulgated	Nov.	2353		III.2311	Repealed	Nov.	2368
	XLV.Chapter 77	Adopted	Dec.	2631		III.2327,2529,10307	Adopted	May	945
	XLV.9701,9703,9705,9707,9709,9711	Adopted	Dec.	2627		III.10705	Amended	May	945
	XLV.9713,9916,9920	Adopted	Dec.	2627		III.20103	Amended	July	1292
	XLV.9907,9915,9919,9921,9923	Amended	Dec.	2627		III.20301,20303	Amended	Apr.	708
	XLV.9925	Repealed	Dec.	2627		III.Chapter 205	Amended	July	1291
	XLVII.3327	Amended	June	1085		V.953	Amended	Jan.	133
	XLIX.703,903,1201	Amended	Jan.	96		V.5117	Amended	Dec.	2643
	XLIX.1105	Amended	Jan.	96		VII.32903	Amended	Mar.	539
	XLIX.1201	Amended	Dec.	2616		IX.601	Adopted	Dec.	2652
	LIII.1217,1509	Amended	Aug.	1488		IX.8305,8505	Amended	July	1289
	LIII.1143	Amended	Oct.	2148		IX.15113	Amended	Mar.	541
	LIII.1503	Amended	Oct.	2147		IX.15113	Amended	June	1119
	LIII.1527	Adopted	Oct.	2147		IX.15113	Amended	July	1291
	LIII.2411,2413,2415	Adopted	Jan.	100		XI.301	Amended	Apr.	707
	LIII.2421,2423,2425	Adopted	Oct.	2149		XI.303	Repealed	Apr.	707
	LIII.2431,2433,2435,2437	Adopted	Oct.	2148		XI.10303	Amended	Dec.	2637
	LIII.2511	Amended	Jan.	98		XI.16303	Amended	Dec.	2652
	LIII.2511	Amended	Oct.	2147		XIII.901,905	Adopted	July	1288
	LIII.2531,2533,2535	Amended	Jan.	97		XV.Chapters 1-7	Adopted	May	926
	LIII.2537	Repealed	Jan.	97		XV.Chapters 33-43	Amended	Jan.	129
	LIII.2745,2747	Amended	Apr.	684		XV.9141	Amended	Apr.	708
	LIII.2901,2911	Amended	Apr.	684		XV.10701	Amended	Aug.	1490
	LV.1003	Amended	Apr.	762		XV.Chapter 115	Adopted	Sept.	1723
	LX.Chapters 1-47	Amended	Apr.	709		XV.12901,12913	Amended	Mar.	540
	LX.601-611,705,707,801,803,1327,3317	Adopted	Apr.	709		XV.25101,25301,25501	Amended	Feb.	378
	LX.705,801,803	Repealed	Apr.	709		XV.26501,26503,26701,26901,26903	Adopted	Nov.	2360
	LX.3309	Repromulgated	Apr.	709		XV.27101	Adopted	Nov.	2360
	LX.3927	Adopted	Apr.	709		XV.27503	Amended	Jan.	133
	LXI.717	Amended	Aug.	1499		XIX.Chapter 43	Amended	Mar.	539
	LXI.1303	Repealed	Dec.	2690		XXI.Chapter 29	Amended	Feb.	379
	LXI.1503	Amended	June	1122					

LAC Title	Part #.Section #	Action	Location:		LAC Title	Part #.Section #	Action	Location:	
			Month	LR 41 Page#				Month	LR 41 Page#
50	XXI.5903	Adopted	July	1288	55	III.1788,1790,1792	Repealed	Dec.	2666
	XXI.8329,8601	Amended	Dec.	2642		V.3239	Repealed	May	954
	XXI.11107,11303,11527,11529,11703	Amended	Jan.	125		VI.Chapter 3	Repealed	Nov.	2380
	XXI.11527	Repromulgated	Mar.	538		VII.325	Amended	Dec.	2689
	XXI.11531	Adopted	July	1286		IX.107,159,163,166,201,205,1507,1543	Amended	Feb.	395
	XXI.11901,11905,12101	Amended	Jan.	125		IX.113	Amended	Feb.	394
	XXI.14201	Adopted	July	1287		IX.203	Repealed	Feb.	395
	XXI.Chapters 161-169	Amended	Oct.	2154	58	I.405,407	Amended	Sept.	1772
	XXI.16106,16703	Adopted	Oct.	2154		III.Chapter 17	Adopted	Feb.	397
	XXI.16315,16703	Repealed	Oct.	2154		XXI.Chapters 1-7	Adopted	Nov.	2311
	XXI.16339,16341	Adopted	Oct.	2169	61	I.1912	Adopted	Mar.	555
	XXI.16705	Adopted	July	1287		I.4915	Adopted	Jan.	151
	XXI.16901	Amended	Oct.	2169		III.2101	Amended	Mar.	557
	XXXIII.Chapters 1-9	Amended	Nov.	2353		III.2103	Adopted	Mar.	558
	XXXIII.103	Amended	July	1286		V.101,304,703,907,1103,1307,1503,2503	Amended	Apr.	671
	XXXIII.2101,2301,2303,2501,2701	Amended	Nov.	2358		V.3101,3103,3105,3106,3107,3501	Amended	Apr.	671
	XXXIII.2703	Adopted	Nov.	2358	67	III.405	Amended	Mar.	534
	XXXIII.4101,4103,4301,4303,4501,4703	Amended	Oct.	2171		III.1942	Adopted	Mar.	533
	XXXIII.4303,4501	Amended	Feb.	384		III.Chapter 51	Amended	Mar.	531
	XXXIII.6103,6301,6303,6501	Amended	Feb.	377		III.5541	Amended	May	914
	XXXIII.8101,8103,8301,8303,8305,8501	Amended	Nov.	2361		III.5579	Adopted	May	914
	XXXIII.10101,10103,10301,10303,10501	Amended	Nov.	2369		III.5721	Amended	Nov.	2308
	XXXIII.10701,10705,10707	Amended	Nov.	2369		V.4101,4103	Amended	Nov.	2311
	XXXIII.10703	Repealed	Nov.	2369		VII.Chapter 1	Amended	Sept.	1774
	XXXIII.12101,12103,12301,12303,12501	Amended	Nov.	2371		VII.115	Repromulgated	Oct.	2180
	XXXIII.12701,12705,12707	Amended	Nov.	2371		VII.Chapter 5	Amended	Oct.	2177
	XXXIII.12703	Repealed	Nov.	2371		VII.519	Amended	July	1312
	XXXIII.14101,14103,14301,14303,14501	Amended	Nov.	2357		VII.Chapter 11	Repealed	Feb.	385
	XXXIII.14701	Amended	Nov.	2357		VII.Chapter 21	Amended	Oct.	2179
	XXXIII.14703	Adopted	Nov.	2357	69	I.Chapters 1-11	Adopted	June	1080
51	I.113	Amended	Jan.	148	70	III.801,805	Amended	May	954
	II.Chapter 1	Amended	Dec.	2653		III.803	Adopted	May	954
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	XIV.411,609	Amended	Feb.	389		XI.101	Amended	Mar.	560
	XVII.501	Amended	Dec.	2653	76	I.Chapter 5	Amended	Jan.	39
	XXI.105	Amended	Dec.	2653		V.111	Amended	June	1123
52	I.1312,1318,1319,1320,1321,1322,1906	Repealed	July	1262		V.115	Amended	Jan.	152
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55	I.2101	Amended	Sept.	1772		VII.347	Adopted	May	956
	III.146,147	Amended	Dec.	2665		VII.367	Amended	Jan.	154
	III.151	Amended	Jan.	150		VII.377	Amended	Apr.	761
	III.1750,1752,1754,1756,1757,1758,1760	Amended	Dec.	2666		VII.381	Adopted	Apr.	760
	III.1762	Amended	Dec.	2666		VII.383	Adopted	June	1123
	III.1766,1767,1768,1770,1772,1774,1776	Adopted	Dec.	2666		VII.537	Adopted	July	1309
	III.1778,1780,1782,1784,1786	Adopted	Dec.	2666		XIX.Chapter 1	Amended	May	958
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